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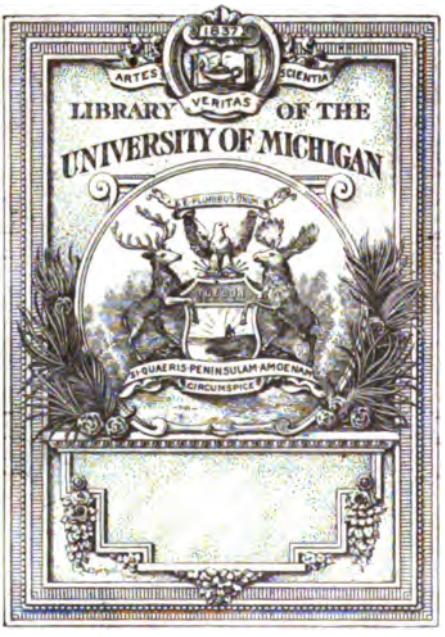

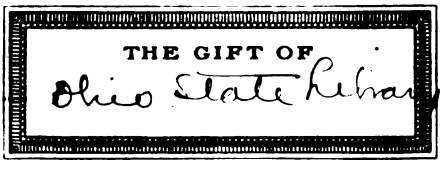

Journal

of the

SENATE

of the

Eighteenth General Assembly
of the State of Ohio

Second Extraordinary Session
Monday July 20, 1914

VOLUME CV

COLUMBUS, OHIO
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SENATE JOURNAL.

Senate Chamber, Columbus, Ohio.
Monday, July 20, 1914, 10:00 o'clock a. m.

The Senate met in extraordinary session, pursuant to the call issued in accordance with section 8 of article III, of the Constitution of Ohio by the Governor, as follows:

State of Ohio,
EXECUTIVE DEPARTMENT.
Office of the Governor.

COLUMBUS, July 10, 1914.

PROCLAMATION.

By virtue of the authority vested in me by the Constitution of the State of Ohio, I, James M. Cox, Governor of said State, do hereby require the Eightieth General Assembly of Ohio to convene at the State House, in Columbus, at 10:00 A. M., on Monday, July 20th, 1914, for the purpose of considering the question of reducing the State tax levies.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed at Columbus, this tenth day of July, in the year of our Lord, one thousand, nine hundred and fourteen.

JAMES M. COX,
Governor.

The President called the Senate to order.

Prayer was offered by the Rev. W. A. Perrins.

The President ordered the clerk to call the roll of the Senate and 24 Senators answered to their names.

Those present were: Messrs.

Beckett,	Friebolin,	Hopple,	Potting,
Bernstein,	Gallagher,	Howard,	Seward,
Broadstone,	Green,	Hudson,	Wieser,
Cahill,	Gregory,	Lloyd,	Weygandt,
Cook,	Haas,	McDermott,	Wise,
Dollison,	Herner,	Moore,	Zmunt—24.

The absentees were: Messrs. Beman, Cunningham, Finefrock, Hillenkamp, Holden, Jung and Kiser.

Mr. Haas offered the following resolution, which was adopted:

S. R. No. 1.

Be it resolved by the Senate, That a message be sent to the House of Representatives notifying that body that the Senate is in session in accordance with the proclamation of the Governor, and ready for the transaction of business.

Mr. Hudson offered the following joint resolution:

S. J. R. No. 1.

Be it resolved by the General Assembly of the State of Ohio:

That, a committee of three on the part of the Senate and .. on the part of the House of Representatives be appointed to notify the Governor that the General Assembly is now in extraordinary session in obedience to his call.

On motion of Mr. Hudson the rules were suspended and the joint resolution was considered.

The question being on the adoption of the joint resolution.

The yeas and nays were taken, and resulted — yeas 23, nays none, as follows:

Those who voted in the affirmative are: Messrs.

Beckett,	Gallagher,	Howard,	Seward,
Bernstein,	Green,	Hudson,	Wieser,
Broadstone,	Gregory,	Lloyd,	Weygandt,
Cahill,	Haas,	McDermott,	Wise,
Cook,	Herner,	Moore,	Zmunt—23.
Friebolin,	Hopple,	Potting,	

So the joint resolution was adopted.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

I am directed to inform you that the House of Representatives has convened in extraordinary session and is ready to proceed to business.

Attest: JOHN R. CASSIDY,
Clerk.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the adoption of the following joint resolution:

S. J. R. No. 1 — Mr. Hudson, and the Speaker has appointed Messrs. Lowry, Reid, Duffey, King and Deaton to act as the committee for the House in accordance with its provisions.

Attest: JOHN R. CASSIDY,
Clerk.

The President on the part of the Senate appointed as such committee Messrs. Green, Howard and Hudson.

Mr. Green from the joint committee appointed to wait upon the Governor reported that they had performed that duty and the Governor would communicate by messages forthwith.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

I am directed to inform you that the House of Representatives has adopted the following Joint Resolution, in which the concurrence of the Senate is requested:

H. J. R. No. 1 — Mr. Clark.

Attest: JOHN R. CASSIDY,
Clerk.

Said joint resolution was laid over under the rule.

The President handed down the following message from the Governor:

State of Ohio,
Executive Department,
Office of the Governor,
Columbus.

To the General Assembly:

Developments in the general fiscal and taxation affairs of the State suggest to me the necessity and propriety of convening your honorable body in special session. The State laws provide a levy of taxes for certain specific purposes. This tax rate was determined by the amount of money needed for these functions, and the size of the total State tax duplicate, the condition of the State treasury also being an element in the calculation, since draft on the general revenue fund is provided under certain contingencies.

The State tax duplicate has assumed such proportions, however, under the recent change in the methods of listing property, and the financial condition of the Commonwealth is so favorable, that the rate carried by the State levy cannot, with justification, be imposed this year.

To needlessly assess taxes from the communities is so repugnant to every idea of public policy that the small financial cost of bringing you together, and the personal inconvenience occasioned the members, are considerations vastly outweighed, I feel assured, both by the relief that can be afforded the people and the spirit of patriotism that possesses your honorable body.

I therefore submit for your determination in this message the sole question of reducing the State tax levy.

If it is diminished, then the weight of taxation will not only be reduced on our households and industries, but spur will be given by the State government to the moral sense which in its awakening is demanding lower tax rates in every taxing subdivision in Ohio. Never in our history has so much attention been given to the general subject of taxation as now; and nothing can be more helpful to the welfare of our people than the present discussion which is going on everywhere within our borders. Not only is the real economic meaning of taxation and its relation to social and governmental life to be better understood as a result, but the moral aspect of the subject will leave so deep an impression that our taxation policies in the future will be a surer guarantee of the equality of rights under our institutions of government. It is not surprising that we should at this time be in the midst of an economic development that has excited and held general interest. It is purely

evolutionary. It is not only the inevitable result of a better day universally in government, but the readjustment in large part comes from an internal movement that began long ago in Ohio. The cycle of events to which it joins dates back to the early eighties in Ohio's history. At that time the unfair and inefficient system of listing property for taxation led to serious consequences in the fiscal affairs of the State. It was the practice then to support the State departments, in large part, by direct taxation. Under date of April 6, 1886, Governor Joseph B. Foraker sent a special message to the General Assembly in which the very first words were these: —

"The financial condition of the State needs attention."

He recommended that the State issue bonds to the limit of the constitutional authority — $750,000 — for the purpose of paying current expenses. But the significance of that document was the analysis of conditions existent then. Governor Foraker submitted this observation as a striking symptom of governmental disorder: —

> "In 1883 the value for taxation of the personal property of the State, as shown by the grand duplicate, was $543,207,121. In 1884 it shrank to $528,298,871, and for 1885 dwindled again to $509,913,986. This loss has been made up largely by the steady growth of the valuation of real estate on account of new structures, etc., but the loss was greater than the increase last year, and the result is shown in the fact that the grand aggregate of all the property of the State, both real and personal, amounted in 1885 to but $1,670,079,868, against $1,673,774,081 for 1884, or a loss of $3,694,213."

The moral phase of the situation was presented in these words: —

> "The idea seems to prevail * * * that there is no harm in cheating the State, although to do so a false return must be made and perjury must be committed. This offense against the State and good morals is too frequently committed by men of wealth and reputed high character and of corresponding position in society."

Certain excise taxes were suggested, and it was urged that a revaluation of all property be made at once "instead of waiting for the next decennial valuation of 1890." It was further recommended that a State Board of Equalization, consisting of eight members, be appointed "to supervise, as well as revise and equalize the valuations to be made." The essence of the whole situation at that time was epitomized in the words: —

> "It is also thought men so selected will have the interests of the whole State more in mind than if they should be elected to represent some particular district or locality, in which case experience has shown they are too apt to act as though their highest duty was to secure the lowest possible valuation for their respective constituents. It is further recommended that in all cities having a board of tax commissioners it be made the duty of such

board to appoint all the assessors and appraisers. It is confidently believed that if such legislation can be secured as is here attempted to be indicated, the tax duplicate can be so increased as to approximate our real worth, and that valuations can be so equalized as to secure uniformity and justice for the whole State."

When Governor Foraker, under date of January 4, 1887, presented his regular message to the Legislature the financial emergency was so pressing that he reminded that body again of what he believed should be done in the way of taxation reform. His earnest conviction with reference to the real remedy is shown in the following excerpt from his message: —

"The further recommendation is also repeated that the assessors of personal property be appointed in all cities. The recommendation is confined to cities because the constitution requires the election of all township officers."

The fiscal condition of the State was such that the public mind remained more or less centered on taxation reforms, and what was known as the Massie Committee, headed by Senator D. Meade Massie, of Chillicothe, was appointed under the provisions of a Senate Joint Resolution, adopted March 24, 1888. The preamble ran: —

"There is a manifest need of and demand for a revision of our present system of taxation."

This committee in its investigation immediately sensed the basic fundamental defect, and in its report the same kind of comparisons of personal returns in the large and small counties that we are now so familiar with, was set forth. That the trouble then was the same as that corrected by the Warnes Law enacted in this State a year ago is plainly shown by the following declaration by the legislative committee: —

"We have tried to secure a better class of assessors by extending their terms of office and increasing their pay. We have tried to compel them to do their duty faithfully by placing them under a more binding oath, larger bonds, and greater penalties for malfeasance or misfeasance. We have tried to improve the form of the tax list and to compel each person to actually swear to his list. We do not know what more can be done to secure full and fair returns of personal property, moneys, and credits."

Abuses continued despite the fact that the public intelligence recognized the injustice of things, and matters had not been improved by the passage of the Tax Inquisitor Law, the operations of which brought scandals that shocked the sensibilities of the people. The processes of public opinion, however, went on, and in 1893 the administration of Governor William McKinley was historically attached to the taxation subject. The commission appointed by him, in its personnel and performance made a deep impression on the thought of the State. It recommended the appointment of a State Tax Commission, to which the listing of public utilities would be assigned; and the appointment of assessors.

The records next disclose the administration of Governor Andrew L. Harris in an effort to provide relief from taxation abuses. A commission was named, and it recounted the evils so well known now. It ably submitted recommendations in which Governor Harris joined. Meanwhile, excise taxes had been imposed by law, and the State government was removed, in some degree, from a condition of constant financial stress. This in some measure delayed the final remedial legislation, but the report of the McKinley Commission was a vital thing, even though action on its suggestion was not taken while he served as the State Executive. The apparent influence of public utility companies in making possible, returns more or less grotesque, in local subdivisions brought a new irritant to the situation, and Governor Harmon renewed the discussion of the subject and it became a leading feature of his administration. The State Tax Commission was formed, and its service in listing public utilities soon demonstrated the wisdom of the plan. The McKinley Commission had shown that in 1892 the entire valuation of railroad property was but $105,600,000; while the horses of the State were listed for almost half that amount.

An important thing in the whole development of the subject of taxation was the passage of the Smith One Per Cent Law, which carried a limitation on the tax rate within the subdivisions of the State. It had the double purpose of enforcing economy, and by the reduced rate, of bringing intangible property from hiding. The result was disappointing in the last named particular, however, as evidenced by the decline in listed intangible property of twelve million dollars in 1912. That Governor Harmon, as the advocate of the Smith One Per Cent Law, recognized as a necessary buttress and protection to that measure, the abolition of the system of electing assessors, is shown by his last message to the Legislature January 6, 1913, in which he said, speaking of the Smith Law: —

> "The unfortunate failure of the Edwards Bill at the last session has prevented, thus far, full enjoyment of the result in view. The work of elective ward and township assessors has proved a failure in Ohio and elsewhere. That bill proposed to substitute for these and for city boards of review a deputy tax commissioner in each county to act under direction of the State Commission, with power to employ the necessary assistants."

This review shows how the intelligence and patriotism of the State persisted through three decades, dominated at all times by the lofty ideal of so shaping our laws as to distribute the burdens of government equitably. It is also worthy of note that every serious attempt to bring about a remedy was along the same lines.

The effort to press into the public mind the idea that the appointment of assessors is a mere caprice of the present day, conceived for some ulterior purpose, is both futile and reprehensible. The assessor who did his duty was never re-elected. That is the history of the old plan everywhere. Now in full and open frankness, man to man, can Ohioans, citizens of a great State, deny that the desire to elect assessors, wherever it remains lodged, is coupled with the knowledge that these officers always entered upon their duties under a sense of more or less intimidation? The vote of the property holder was in the assessor's mind, and human nature, with its delinquencies, permitted the selfish

consideration to enter first in his mental attitude towards his labors. Is it creditable, is it worthy of a great people, to try to convince ourselves that a sublime principle has been violated, when, as a matter of truth, the controlling thought is to withhold our vote for selfish, if not ignoble, purposes? How often has it ever been charged that people were overassessed? In that very remote contingency there is ample facility for protection against a wrong. The prevailing complaint is that too many individuals and interests have not been paying their share of taxes, and ordinarily the offender has been the artful person, skilled and resourceful in human eventualities, the very sort of an individual who was influential in his ward or township, and his known power was strongly suggestive to the assessor. Under the operations of the new law, the Standard Oil Company, without protest, submitted to an increase in Hancock County this year of ten million dollars — the value of ten average townships in the State. The plain meaning of this is that the farmers in ten townships have in the past been paying a large part of this company's taxes. In a large city a man whose name was never on the tax duplicate before was listed this year for $600,000 in Standard Oil stock. The average return by home owners in the working man's districts of that city is $1,000; so that six hundred workmen have been paying this man's taxes for years — paying the policeman to guard him at night — paying the fire department that protected the roof under which he slept. This is more than injustice — it is a crime; and it is high time such practices came to an end in this State. The commission of William McKinley after stating plainly that the system was indefensible and intolerable, centered its energies on two basic recommendations: —

First: The appointment of a State Tax Commission which should value public utilities and control the taxing policy of the State in order to render the system uniform, as the constitution provides; and

Second: The appointment of the assessors.

In May, 1910, the first recommendation was adopted in the Act creating the Tax Commission of Ohio and giving to that commission supervision over the assessment of real estate and original jurisdiction in the assessment of the property of public utilities. As a result the grand real estate duplicate of the State was increased from $1,656,944,631 in 1910 to $4,418,953,299 in 1913 — an increase of $2,762,008,668; Public Utilities were increased from $226,226,043 in 1910 to $1,058,231,780 in 1913 — an increase of $832,005,737; and banks were increased from $80,742,115 in 1910 to $184,232,970 in 1913 — an increase of $103,490,855.

The situation in taxing affairs when the present administration came into being was as follows:

There had been an adequate assessment of the property of public utilities and banks and of real estate, all of which was done under the supervision of the Tax Commission of Ohio. There had been made an increase of four billion dollars in these classes of property. When the present administration came into power the personal property of individuals and the property of incorporated companies were the only classes of property in this State that were not listed by the Tax Commission, or under its supervision. So that while the four billions of dollars increase to real estate, public utilities and banks had brought about a reduction in tax rates, the owners of individual property and

incorporated companies shared in that reduction without having increased their valuations proportionately.

The Warnes Law was enacted primarily to extend the jurisdiction of the Tax Commission to the assessment of the two classes of property which had theretofore been inadequately assessed, and to give to the commission an adequate means of securing the desired results by providing for the appointment of local assessors instead of their election — all the work under the direct supervision of the commission, and it having power to prescribe uniform rules for the assessment of local property.

While the commission's records are not complete as to the assessment for 1914, the returns from seventeen of the small rural counties show an increase in the valuation of moneys, credits, and investments in stock and bonds over 1913 of $21,990,223, or a gain slightly in excess of forty-seven per cent. The principal gain in these items, will, of course, be from the larger counties, from which few returns have been reecived.

Here is the way this increase was made:

The State Commission was able to secure close co-operation between the district officials in the eighty-eight counties — something impossible except under the centralized authority plan; mortgages were copied and exchanged, lists of taxable securities, with the names and addresses of holders, were distributed, and from this source approximately $100,000,000 of taxable values were secured. There was also an interchange of other useful information. The commission kept in constant touch with the work in the counties; district assessors required daily reports of the work from their deputies; and the district assessors reported weekly to the Tax Commission. In addition, three traveling examiners inspected the work for the purpose of verifying reports and to give assistance. In this manner the commission was able to secure uniformity in the assessment of the several classes of personal property in the various counties.

While the information in the possession of the commission at this time is not complete enough to make an accurate statement as to the amount of the tax duplicate for the year 1914, yet it believes that the duplicate which will be handed to the county treasurers on the first of October, 1914, will be from $900,000,000 to $1,000,000,000 more than that of 1913, and this increase will be principally in the intangible property of individuals and the property of incorporated companies.

Under this law the commission has authority to prescribe the numbers of districts, the number of men and their salaries, and the wisdom of that is shown by the records, which disclose that 1,966 deputies listed real estate and personal property for 1914, and the last time that both classes of property were assessed under the old elective system, there were 3,415 assessors in the field to assess personal property and 2,465 to list real estate, a total of 5,880 as compared to 1,966 this year. The figures presented to the Tax Commission by the various county auditors show that it cost $1,777,958 to make the last quadrennial appraisement of real estate under the old system; in 1912 the sum of $596,881 was expended for listing personal property. The Tax Commission is authority for the statement that the work will be done this year for approximately one million dollars less.

One of the reasons for the great reduction in the number of persons listing property that has been made this year is disclosed in the following figures:

In Hamilton County in 1913 there were 413 assessors last year as against 83 this year.

In Franklin County there were 93 assessors last year as compared to 34 this year.

In Montgomery County there were 64 assessors last year as compared to 33 this year.

In the City of Toledo there were 91 assessors last year as compared to 20 this year.

In the City of Cleveland there were 170 assessors last year as compared to 40 this year.

That a change in the method of listing property came at a propitious moment no one will deny, who studies the significance of events without prejudice. If the Warnes Law had not been installed this year, the Smith One Per Cent Tax Law would have been destroyed, or a number of Ohio cities would have hopelessly defaulted on their obligations. There is no escape from this opinion in the light of present facts, and this not only reveals the moral but the economic aspects of the new law. It was pointed out by every scientific survey made in the State for years past that the rural communities were making a fairer return of property for taxation than the cities. Since a State levy was made for universities and other purposes, it can be seen to what extent the element of unfairness entered in these contrasted practices as between the cities and rural communities. If there had been no State levy, then it would not have been a matter of State concern what the cities did — measured by the ethical code only — but there is now presented an entirely new situation. The cities have been so lax and inefficient in the listing of property under the old moribund system that a serious condition of affairs exists in most municipalities — particularly the larger ones. The growth of the cities has entailed vast necessities in the extension of public works and the installation of new utilities. That wealth has increased also, cannot be denied, and yet the tax duplicates do not show the proportionate increase that they should, the result being that many cities have borrowed money to pay current bills, while in some instances bonds have been sold for the same purpose. Confronted with the limitations in the tax rate on the one hand and the cost of local government increasing vastly greater than the duplicate has grown, on the other, there was either an enforced fracture of the One Per Cent Law or municipal bankruptcy as a certain eventuality.

Fortunately, the Warnes Law averts a crisis.

As a matter of very grave interest to the State, and bearing pertinently and directly on the question of municipal distress, it is deemed fitting to present an exhibit of conditions in some of the Ohio cities. If a private concern were compelled to pay every year on its debt a sum approaching fifty per cent of its income, it would not long remain out of the hands of a receiver, and yet, official statistics disclose this deplorable condition in many places. The following municipalities are paying yearly in interest and sinking fund charges, the percentages of their gross tax revenue, as indicated: —

Columbus	Franklin County	50%
Toledo	Lucas County	52%

Dayton	Montgomery County	48%
Akron	Summit County	42%
Newark	Licking County	64%
Norwood	Hamilton County	45%
Alliance	Stark County	43%
Findlay	Hancock County	47%
Massillon	Stark County	44%
Piqua	Miami County	41%
Ironton	Lawrence County	42%
Tiffin	Seneca County	48%
Fremont	Sandusky County	40%
Fostoria	Seneca County	47%
Barberton	Summit County	60%
Delaware	Delaware County	48%
Salem	Columbiana County	41%
Niles	Trumbull County	52%
Bellefontaine	Logan County	60%
Norwalk	Huron County	46%
Wellsville	Columbiana County	48%
Defiance	Defiance County	52%
Washington C. H.	Fayette County	40%
Wellston	Jackson County	43%
Ashland	Ashland County	56%
Sidney	Shelby County	61%
Wooster	Wayne County	53%
Nelsonville	Athens County	50%
Troy	Miami County	43%
St. Marys	Auglaize County	50%
Athens	Athens County	65%
Wapakoneta	Auglaize County	71%
Ravenna	Portage County	57%
Bowling Green	Wood County	41%
Delphos	Allen County	67%
St. Bernard	Hamilton County	50%

Only those cities carrying 40% or more are shown. No matter to what length the principle of home rule for cities may be adopted, certainly the State is concerned in the solvency and financial good faith of municipalities, so that there is reason for much felicitation that through the sovereign power of the State, a tax law has been devised that averts financial chaos in many of our cities. It is not denied that in a number of instances municipalities have permitted suits to be brought by creditors and judgments to be given by the courts. This results in a tax rate in excess of the prescribed ten mill limitation. Some contend, and doubtless with ample propriety, that in many instances the municipal expense is due in part to extravagance and caprice, but federal reports show a prevailing increase in the cost of cities in other states.

A reduction in the State tax rate is rendered possible this year because we have an intelligent and efficient tax listing system. Courageous performance of duty by the listing officers — a thing unknown under the elective system — has resulted in hundreds of millions of dollars in personal property going on the duplicate this year for the first time. That every diagnosis of the past was sound, is demonstrated by the vastly greater increase in personal property in the cities. In Mont-

gomery County the increase on personal property in the townships is 17%. In the city of Dayton it is 100%.

In Miami County the increase on real estate is less than one per cent, while stocks and bonds increased 170%, credits 30-6/10%, and moneys 33-3/10%.

In Allen County real estate increased 7-4/10%, credits 224%, and stocks and bonds 208%.

In Licking County, real estate increased 3-2/10%, moneys 39½%, credits 46½%, stocks and bonds, 276%.

In Delaware County, real estate increased less than 1%, moneys 32%, credits 26½%, stocks and bonds 36%.

In Portage County, real estate increased 1-9/10%, moneys 24-7/10%, credits 8-8/10%, stocks and bonds 8288-7/10%.

In Cuyahoga County the personal duplicate, exclusive of public utilities, banks and incorporated companies, increased 671%.

The work of listing property in the State for taxation having been practically concluded, we should now dedicate our efforts to the all-important task of conveying to the people the relief a beneficial system makes possible. The State should take the lead in the reduction of the tax rate, depending upon a vigilant public opinion to compel the same action in the counties, municipalities and townships. With a duplicate showing an increase of approximately one billion dollars, and with a substantial reduction in the State rate, then the rate should be cut in every sub-division of Ohio. Honesty in the return of property for taxation should be rewarded by a like careful regard for prudent expenditures by those in public station. That there is an awakened conscience in the State on the subject of taxation is undenied, and it should not be chilled by a policy of disbursement that can find no justification in business or ethics. The work of having property listed in such an amount as renders a reduction in the local rates, an apparently easy matter, reflects the efficiency of the appointed officials. The rate of tax is determined in the counties by officers elected by the people. In counties where a municipality has a property duplicate larger than the rest of the county the budget officers are the Mayor, the City Solicitor and the County Auditor. In all other counties the President of the Board of Education in the largest city serves instead of the prosecutor. It would seem that the least local sub-divisions should do in the reduction of rates is to save the cut made by the State and provide for emergencies out of the increased duplicate. Nothing but an admittedly grave exigency would seem to justify a rate as high as that imposed in 1914. If there is any disposition in localities to ignore the plain command implied by the augmented duplicate, then an outraged public sentiment doubtless will result in such changes in the law as will afford effective checks. The desire not to cripple municipalities, and the belief that considerable dependence can be placed in local officials doing their manifest duty, have been the deterring influence in the matter of reforming the budget laws at this time. Many believe that it is unwise, if not unscientific also, to give three local officials plenary power in the making of the tax rate within the limitations of the Smith One Per Cent Law, and there is a sentiment quite wide-spread and insistent that their powers be restricted in some degree. As experience is the safest refinery, it is doubtless advisable to let this matter go over to the next session of the General Assembly, when it will be easier to determine what change, if any, should be made. The Legislature when last as-

sembled authorized the appointment of a committee to report to the Eighty-First General Assembly on the expediency of a newly established fiscal relation as between the State and local governments. It is highly probable that experience will have demonstrated the wisdom of providing that budget commissions shall first levy for essentials. The law now provides that a levy be made initially for interest and sinking fund charges. If this were supplemented with a further stipulation that the public health, school, police and fire protection services should come next, and what remains inside the limitations be devoted to utilities less essential, the result would doubtless be very helpful to the community's welfare.

There is an amazing measure of misapprehension with reference to the real purpose and intent of the State tax levy. It is made by act of the Legislature and consists of the following items:

Sinking Fund	.0335	mills
Common School	.3350	"
University	.0925	"
Highway	.5000	"
Total	.9610	"

Not one dollar of money derived from the State levy goes into the general revenue fund of the State. Not a penny of it is used for the conduct of the State departments. They are maintained by excise taxes levied on corporations and the liquor traffic for the most part.

The sinking fund item grows out of the provision made originally through an ordinance passed by Congress July 23, 1787. By it section 16 in each township was reserved for school purposes. It was a misfortune that this reservation was not made perpetual. Subsequently, in 1827, the State sold the lands and pledged itself to pay annually 6% on the amount so derived into the school fund. This aggregates about $240,000 and is paid over to the eighty-eight counties of the State.

The money derived from the common school levy is paid by the State Treasurer to the counties of the State on the base of two dollars for every enumerated child.

The university levy goes directly to the universities.

The good roads levy is disbursed entirely for the construction of a modern highway system in the State.

By both provision and practice, any deficiency in the sinking, common school or university funds is made up out of the general revenue fund of the State; so that the intention manifestly is that thought should first be given to the available funds in the treasury not needed for the current expenses of the State, and the amount of the levy should then be determined by this consideration. The State Treasury now has the largest surplus in its history and the State tax duplicate will be increased this year, on the authority of the Tax Commission of Ohio, approximately one billion dollars. It is my recommendation, therefore, that a new State levy be made up as follows:

Sinking Fund	.0025	mills
Common School	.0550	"
University	.0925	"
Highway	.3000	"
Total	.4500	"

The statement in some quarters that the schools will suffer by this plan either springs from ignorance or mischief. The State is pledged to pay the prescribed two dollars per enumerated unit. The schools will derive the same amount as if no change were made in the levy, and the university levy is not altered.

When the half-mill levy for good roads was imposed it was the thought that the State should not expend more than approximately three millions of dollars. I do not believe that the disbursements should exceed that figure for the reason that the highway department, in co-operation with counties and townships, can efficiently assimilate just so much work each year.

By cutting the rate to .4500 mills it will be seen that the saving to the people in the new tax paying year, beginning December, 1914, will be approximately four million dollars. This reduction makes the State levy the lowest in the history of Ohio. In 1900 it was 2.84, or more than six times the levy now suggested. The new rate will be considerably less than the rate in force at the beginning of this administration, notwithstanding it will carry almost three million dollars a year for good roads, a project that was never provided for in any previous levy. It is all a distinct triumph for decency in taxation, and means much for the general welfare of our communities.

JAMES M. COX,
Governor.

July 20th, 1914.

On motion of Mr. Green the message was referred to the Committee on Taxation.

On leave Mr. Green introduced the following bill:

S. B. No. 1.

To amend section 6859-1 (being section 1 of an act entitled "an act providing a levy and to create a fund for the purposes provided in the act passed May 31st, 1911, entitled, 'an act creating a state highway department, defining the duties thereof and providing aid in the construction and maintenance of highways and to repeal certain sections of the General Code' approved June 9th, 1911, and for other purposes defined therein." 103 O. L. 155) and 7575 of the General Code, relating to the levying of taxes for highway, school and sinking fund purposes.

On motion of Mr. Green the constitutional rule, requiring bills to be fully and distinctly read on three different days, was dispensed with, and S. B. No. 1 was read the second time, and referred to the committee on Taxation.

On leave Mr. Howard introduced the following bill:

S. B. No. 2.

To amend Section 6859-1 of the General Code providing for the annual levy of a tax for the State Highway improvement fund, and for the appropriation of money for said improvement fund.

On motion of Mr. Howard the constitutional rule, requiring bills to be fully and distinctly read on three different days, was dispensed with, and S. B. No. 2 was read the second time, and referred to the committee on Taxation.

The President handed down the following message from the Governor:

State of Ohio,
Executive Department,
Office of the Governor.
Columbus.

July 20, 1914.

To The General Assembly:

The Auditor of State, Hon. A. V. Donahey, presents what appears to be an emergency. For some time, with a zeal and intelligent effort which deserve the commendation of the State, the Auditor has been making a survey of conditions growing out of laws and practices respecting the school and ministerial lands within the State. The conditions which are revealed by his labors clearly suggest the propriety and the necessity of a law being enacted reserving to the State all mineral rights, and I respectfully recommend that the General Assembly make such provision and include all canal and State lands. The report of the Auditor is such an illuminating document on a subject which few people have known anything about that I deem it best to submit it:—

BRIEF OF THE HISTORY OF THE SCHOOL AND MINISTERIAL LANDS.

During the early history of the State, when the Congress of the United States was selling lands to various companies of associates, with a view to the settlement of the state, and in laying out of the various townships for general sale, it provided for the setting aside of one full section of land in each township for the purpose of providing a permanent source of support for the schools, and, in two of the great original tracts, one full section in each township for the support of religion therein.

These lands were placed in the hands of the state in trust, to be administered by the state for the purposes named. Most of these lands have been sold by the state and the proceeds placed in what is known as the irreducible debt of the state, the state obligating itself to pay six per cent. interest annually to the schools on the moneys so placed.

In parting with these trust lands the state has grieviously mismanaged the trust. Lands worth hundreds of thousands of dollars have been deeded by the State for a few thousand. For instance, in a recent investigation in one county, the Auditor's department, disclosed that 160 acres of coal land were conveyed by the state for $420.00, and that the purchaser has since cleaned up on its six foot vein over $150,000.00. In another county, under an unconstitutional special act of the General Assembly, lands which for agricultural purposes were then selling at $10.00 per acre, were conveyed at $1.70 per acre by the state, and, when investigating a very recent certificate for a deed filed with the State Auditor, the latter discovered that these lands contained coal, the extent and quality of which is unknown, but which will presumably find a market in the next generation.

But there are about 87,405 acres still left in the hands of the state as trustee for the schools, and 3,000 acres as trustee for the fund to support religion.

Practically all of these lands are leased to tenants of the state for terms varying from one year to ninety-nine years. While these leases provide against waste and cover only the surface of the land, for gen-

erations, under the influence of laws that were evidently designed chiefly for the benefit of the tenants, and because of the lack of laws protecting the trust reposed by Congress in the state, the tenants have been committing waste to such an extent that the State Auditor's department has already uncovered losses amounting to over $1,000,000.00. Coal has been freely taken contrary to law, whole veins being exhausted; gas and oil have been drawn from these lands; timber of the finest virgin sort has been removed, thousands of acres of valuable timber lands being practically denuded. As the State Auditor has had no appropriation for a survey of these lands, and has been compelled to use an otherwise busy force to make investigations, he has but scratched the surface of these abuses. Reports obtained from his own field agents and from county auditors disclose the fact, however, that there still remains several thousand acres of land in the hands of the state from which timber, oil, gas and coal have not been stolen.

The Auditor has already located 4,385 acres of school and ministerial lands, still owned by the state, which contain one and two veins of coal ranging in thickness from three to six feet, and of this, one county alone has 1,000 acres of land with two good veins, one being six feet thick. 640 acres of school lands are now producing 400 barrels of the highest grade oil per day. The state is deriving no benefit from this production of its own property, and is now appealing to the courts for equity. 640 acres of ministerial lands lie within a few hundred yards of producing oil wells. 860 acres of other school lands lie within close proximity to developed gas and oil fields, with a prospect that they also contain gas or oil. 250 acres of school lands are said to be underlaid with good iron ore.

Under the provisions of a recent act of the General Assembly, the Auditor is also executing leases for a second vein of coal in Hocking County, and for the second vein of coal in Vinton County, covering lands on which the first veins have been exhausted without the state deriving any benefit from its production, but the Auditor's ability to secure these leases is due to the fact that there is no trouble with the tenants of the surface and the proposed lessees are freely desirous to do justice to the schools of their state.

The question is, what shall be done with these valuable properties of the state, entrusted to its care for the benefit chiefly of the schools, intended to be a source of benefit to the children of the state, as a heritage for all time, for your children and mine, and their grandchildren, in order that education might, in the language of one of the early acts, be advanced as the basis of good morals and progress.

Under the present laws the trust is poorly protected in the following respects:

1. The tenants of the state have the privilege of surrendering their leases and obtaining deeds in fee simple from the state, by an antiquated proceeding, in which the state is not a party and has no legal right to intervene, in which the tenant may petition a court of common pleas, setting forth what he claims are the facts of his tenacy, and which petition, in practical effect, is accepted by the court as being in good faith, its allegations of fact are never inquired into, the court pro forma orders the appointment of the required appraisers, and these gentlemen apparently (at least in every case that we have investigated) making an appraisement of the land that is substantially its value as determined from twenty to forty years before the time that they appraise it.

Instances of this practice of appraisers so appointed may be cited as follows:

In appraising school lands recently in Hocking County, in several proceedings, the lands in question, 397.13 acres, were appraised for sale at $1,561.50, while the valuation for taxation, without improvements, was over $4,000.00.

In the foregoing cases the State Auditor and the Attorney General, while legally having no standing before the court, and actually unable to intervene with any right, yet, persuaded the tenants to pay at least a more reasonable price, and they secured an increase of the sale price to a total of $3,824.00. But in these cases, we have no doubt that, had the tenants been stubborn, they might have secured their deeds by mandamus at the lower appraisement.

After the appraisers hand in their report to the court, it is customary for the court to confirm it, whereupon all that the tenant needs to do is to pay the county auditor the sum of the appraisement and secure a certificate for a deed from the state.

The petitioner may not have any title, yet he secures the deed. An instance of this may be cited in the case recently investigated (as an incident to the investigation of another matter) in Lawrence County, where a resident of that county, a squatter upon the school land (although he had paid rents for several years to the state) filed a petition as a lessee, obtained the order for appraisement and paid the nominal price fixed by the appraisers and secured a deed in 1894 from the state for lands that had valuable timber on them and contained a valuable vein of coal.

The petitioner may represent facts, that the law provides as a preliminary to the surrender and obtaining of a deed, which are false. For instance, in a recent case in Athens County, involving 136.78 acres, the petition recited that the requisite vote had been taken in the township, while there is absolutely no record of any such vote, yet the court, following the custom accepted the petition as true, ordered the appraisement, and the petitioner obtained his certificate for a deed.

In all such cases the petitioner may not have been actuated by what the law terms fraudulent intent; being ignorant of the law, he may have thought, doing as he knew that others had been doing through generations, that he was not guilty of any technical fraud or bad faith, yet the proceedings were in fact illegal and no deeds should have been executed.

We do not hesitate to express the opinion that auditors in the past have innocently prepared and governors have signed deeds that were based upon fraudulent claims of facts, deeds that should never have been delivered, and that, in their execution, deprived the schools of the state of hundreds of thousands of dollars.

The remedy for this condition is to permit the auditor and attorney general to intervene in all proceedings of that character, to investigate the claims of the petitioner and determine whether he has in fact a right to the deed, and then, if the right exists, to see that the trust is safeguarded by the payment of the true value of the lands sought.

2. Even where proceedings to secure titles in fee to the tenants are safeguarded as suggested, there yet remains the objection that a large acreage containing minerals may be so secured by the tenants of the state at prices which cover only the surface value. This condition arises from two causes, first, that remoteness from transportation and markets gives to the mineral only a potential value at this time, and the

laws covering the procedure do not admit of the taking of this potential value into consideration in making the appraisement. Second, the existence of these minerals in paying quantities has in many instances not been disclosed because there has not been any prospecting or near at hand development.

When the tenant of the state desires the fee simple title to the land, his only thought is that he desires it for agricultural purposes, that is for the same uses that he enjoys as a lessee. If his intention is different, if he seeks the fee because of the minerals on the land, he is endeavoring to obtain from the state something for nothing, that is, he expects to secure the surface and the minerals for the price of the surface. As a matter of fact, this condition has been disclosed in recent cases.

Interested operators and oil producers are awakening to the fact that it costs more to deal with the state for mineral leases than to have the tenants take advantage of the rather peculiar statutes under which they can surrender their leases and obtain the fee simple title.

Recent investigations disclose cases where interested corporations were paying the costs of the proceedings to surrender at ridiculously low prices, based on appraisements made forty years ago.

If, being the tenant of the state, entitled as such tenant to farm the surface, he desires the fee simple title, and he is honest in his expressed desires, then he can have no objection to a reservation by the state of all the minerals. He obtains what he desires, the state retains what it should conserve.

3. The administrative officers of the state have not sufficient power to protect its interest fully in cases where individuals and corporations have, without right, entered upon these lands and developed them for gas, oil and coal.

In cases where the property of the state is being wasted, its only present remedy is by ejectment, a proceeding which ties up the property, often for an extended time; meanwhile, producing oil or gas wells adjoining may be removing the potential product of the state's land, and exhausting the pool.

In cases where the state owns lands immediately adjoining gas and oil wells, its present inability to make a sufficient lease, prevents the development and production of its own property through leases to parties who would be willing to undertake the business and pay a royalty to the state.

A sufficient lease requires that the lessee be able to enter upon the surface for the purpose of prospecting, developing and producing. While the power of the state to execute a lease granting this easement should be vested in the leasing officer, we, of course, recognize the rights of the tenant of the surface, he should be paid his damages, but his tenancy should not stand between the state and its enjoyment of its reserved property in the minerals.

The forbearance of the executive and legislative branches of the state government with such wasteful administration of this great trust should cease. We have fallen heir to the laws as they were enacted in the past, but we need not permit them to remain as our expression of policy toward this trust.

The mineral lands of the state should be conserved for all time. It is the policy of the Federal Government to make reservations of all minerals underlying its vast domains, so that future generations shall

profit by them. It is certainly desirable that the schools of this state should benefit by a like policy in Ohio.

Aside from the question of the trust being so administered that the full value of these lands and the minerals under them shall accrue to the schools and religious societies of the state, a broad economic policy would lead us to enact legislation reserving forever these minerals, and providing for their leasing under proper regulation and restrictions which would fully protect the state and give to its lessees sufficient power to drill, mine and operate under their leases.

If this is done, no harm will follow to the present tenants of the state. Their leases only cover the surface rights, and those rights may be fully protected by the state in the mineral leases which it might execute.

We also respectfully submit the urgency of this legislation. The act should be declared an emergency measure and given immediate effect, otherwise interested persons will obtain title pending the coming into operation of such an act.

Respectfully submitted,

A. V. DONAHEY,
Auditor of State.

Respectfully submitted,

JAMES M. COX,
Governor of Ohio.

On motion of Mr. Green the message was referred to the Committee on Judiciary.

On leave Mr. Lloyd introduced the following bill:

S. B. No. 3.

To provide for the conservation of the oil, gas, coal and other minerals upon the school and ministerial lands of the state, and to amend sections 3209-1, 3210, 3214, 3222, 3232, and 3233 of the General Code, and to enact new sections to be known as Sections 3211-1 and 3229-1 of the General Code.

On motion of Mr. Lloyd the constitutional rule, requiring bills to be fully and distinctly read on three different days, was dispensed with, and S. B. No. 3 was read the second time, and referred to the committee on Judiciary.

The President handed down the following message from the Governor:

State of Ohio,
Executive Department,
Office of the Governor.

Columbus, July 20, 1914.

To The General Assembly:

When the Compulsory Workmen's Compensation Act of 1913 was passed, it was provided that employes of the State and of each county, city, incorporated village and other taxing sub-divisions, should come within the provisions of the law. This was suggested by the thought that the State, in compelling firms and individuals to provide compensation for their employes, could not consistently withhold the same consideration from public employes. It was provided that in 1914 and 1915 each sub-division should contribute to the State compensation fund

1% of the salary disbursements and that thereafter provision should be made as the average of accidents and our general experience under the law might suggest. The Industrial Commission advises me that the assessment made in 1914 is sufficient for the period ending January 1, 1919. Your honorable body is probably aware that reduction has been made by the Commission in the rates of practically all industrial classifications. Since it will be unnecessary to levy this assessment in 1915, the Industrial Commission suggests that the law be so changed as to make no payments after the current year, 1914, until such time as the Legislature may deem necessary. I earnestly recommend that this change be made in the law.

Very truly yours,

JAMES M. COX,
Governor of Ohio.

On motion of Mr. Dollison the message was referred to the committee on Labor.

On leave Mr. Potting introduced the following bill:

S. B. No. 4.

To amend section 5630 of the General Code for the purpose of increasing the amount of taxable personal property to be exempt from taxation, and to repeal section 5360.

Mr. Bernstein raised the point of order that the bill was not germane to the message of the Governor, which point of order the President held to be well taken.

On motion of Mr. Green the Senate recessed until 1:30 o'clock P. M.

1:30 o'clock P. M.

The Senate met pursuant to recess.

On leave Mr. Hass submitted the following report:

The standing committee on Taxation, to which was referred S. B. No. 1 — Mr. Green, having had the same under consideration, reports it back and recommends its passage.

T. M. GREGORY,
J. I. HUDSON,
W. H. HERNER,
MAURICE BERNSTEIN,
Wm. GREEN,
W. E. HAAS,
E. F. WIESER.

The bill was ordered to be engrossed and read the third time in its regular order.

On motion of Mr. Green the constitutional rule, requiring bills to be fully and distinctly read on three different days, was dispensed with, and S. B. No. 1 was engrossed at the clerk's desk and read the third time.

The question being, "Shall the bill pass?"

Mr. Howard moved to refer the bill to a select committee of one, with instructions to amend as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. That section 6859-1 of the General Code be amended to read as follows:

Sec. 6859-1. There shall be levied annually after January 1, 1915, a tax of one-half of one mill on all the taxable property within the state, to be collected as are other taxes due the state and the proceeds of which

shall constitute the state highway improvement fund. And there is hereby appropriated out of any funds in the general revenue of the state not otherwise appropriated, an amount equal to five-tenths of one percent of all the taxable property within the state as shown by the grand duplicate of real and personal property of the state for the year 1914, to be used by the State Highway Department as provided by law.

SECTION 2. That said original section 6859-1 of the General Code as amended April 16, 1913, and approved May 9, 1913, be, and the same is hereby repealed.

The question being on agreeing to the amendments.

On which the yeas and nays were demanded, taken, and resulted — yeas 8, nays 21, as follows:

Those who voted in the affirmative are: Messrs.

Beckett,	Broadstone,	Howard,	Moore,
Beman,	Gallagher,	McDermott,	Wise—8.

Those who voted in the negative are: Messrs.

Bernstein,	Green,	Holden,	Potting,
Cahill,	Gregory,	Hopple,	Seward,
Cook,	Haas,	Hudson,	Wieser,
Dollison,	Herner,	Jung,	Weygandt,
Finefrock,	Hillenkamp,	Lloyd,	Zmunt—21.
Friebolin,			

So the motion was disagreed to.

The question being, "Shall the bill (S. B. No. 1) pass?"

The yeas and nays were taken, and resulted — yeas 24, nays 6, as follows:

Those who voted in the affirmative are: Messrs.

Beckett,	Finefrock,	Hillenkamp,	Kiser,
Bernstein,	Friebolin,	Holden,	Potting,
Broadstone,	Green,	Hopple,	Seward,
Cahill,	Gregory,	Howard,	Wieser,
Cook,	Haas,	Hudson,	Weygandt,
Dollison,	Herner,	Jung,	Zmunt—24.

Those who voted in the negative are: Messrs. Beman, Gallagher, Lloyd, McDermott, Moore, Wise—6.

So the bill passed. The title was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bill, in which the concurrence of the Senate is requested:

H. B. No. 1 — Mr. Chapman.

To amend sections 17 and 18 of an act entitled: "An Act to further define the powers, duties and jurisdiction of the state liability board of awards with reference to the collection, maintenance and disbursement of the state insurance fund for the benefit of injured, and the dependents of killed employes and requiring contribution thereto by employers, and to repeal sections 1465-42, 1465-43, 1465-45, 1465-46,

1465-53, 1465-54, 1465-55, 1465-56, 1465-57, 1465-58, 1465-59, 1465-60, 1465-61, 1465-62, 1465-63, 1465-64, 1465-65, 1465-66, 1465-67, 1465-68, 1465-69, 1465-70, 1465-71, 1465-72, 1465-73, 1465-74, 1465-75, 1465-76, 1465--77, 1465-78, 1465-79 of the General Code," passed February 26, 1913, approved March 14, 1913, and filed in the office of the Secretary of State March 17, 1913, relating to the amount to be contributed to the insurance fund by the State and its several subdivisions.

Attest: JOHN R. CASSIDY, Clerk.

Said bill was read the first time.

On motion of Mr. Friebolin the constitutional rule, requiring bills to be fully and distinctly read on three different days, was dispensed with, and H. B. No. 1 was read the second time, and referred to the committee on Labor.

Mr. Haas submitted the following report:

The standing committee on Taxation, to which was referred S. B. No. 2 — Mr. Howard, having had the same under consideration, reports it back with the following recommendations:

That Senate Bill No. 2 be indefinitely postponed.

Wm. GREEN,
J. I. HUDSON,
E. F. WIESER,
W. E. HAAS,
T. M. GREGORY,
W. F. POTTING,
W. H. HERNER,
MAURICE BERNSTEIN.

The report was agreed to.

Mr. Dollison submitted the following report:

The standing committee on Labor, to which was referred H. B. No. 1 — Mr. Chapman, having had the same under consideration, reports it back and recommends its passage.

J. B. DOLLISON,
Wm. GREEN,
LOUIS P. COOK,
JACOB J. WISE,
C. J. HOWARD.

The bill was ordered to be read the third time in its regular order.

On motion of Mr. Dollison the constitutional rule, requiring bills to be fully and distinctly read on three different days, was dispensed with, and H. B. No. 1 was read the third time.

The President demanded a call of the Senate which was duly seconded and taken and 25 Senators answered to their names.

The absentees were Messrs. Bernstein, Cunningham, Friebolin, Hillenkamp, Hopple and Lloyd.

On motion of Mr. Haas further proceedings under the call were dispensed with.

The question being, "Shall the bill pass?"

The yeas and nays were taken, and resulted — yeas 27, nays none, as follows:

Those who voted in the affirmative are: Messrs.

Beckett,	Finefrock,	Howard,	Potting,
Beman,	Gallagher,	Hudson,	Seward,
Bernstein,	Green,	Jung,	Wieser,
Broadstone,	Gregory,	Kiser,	Weygandt,
Cahill,	Haas,	Lloyd,	Wise,
Cook,	Herner,	McDermott,	Zmunt—27.
Dollison,	Holden,	Moore,	

So the bill passed. The title was agreed to.

On motion of Mr. Hudson the Senate recessed until 1:45 o'clock P. M.

1:45 o'clock P. M.

The Senate met pursuant to recess.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

S. B. No. 1 — Mr. Green.

Attest: JOHN R. CASSIDY, Clerk.

Mr. Lloyd submitted the following report:

The standing committee on Judiciary, to which was referred S. B. No. 3 — Mr. Lloyd, having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended:

In line 36 after word "or" insert words "coal or".

In line 48 after word "then" strike out words "without notice" and insert in lieu thereof "upon ten days' notice upon the persons sought to be dispossessed"

In line 49 after the word "wells" insert "or coal or mineral developments"

In line 52 after word "wells" insert "or developments."

In line 59 strike out syllable "with-" at end of line and all lines following to and including line 65 and in lieu thereof insert:

"There shall be submitted all the facts to a board of arbitration, one member of which shall be appointed by the Governor, one by the auditor of state and one by the trespasser, and such board of arbitration shall determine what just and equitable settlement shall be made with such trespasser for such improvements and the auditor of state is authorized and directed to make a settlement with such trespasser in accordance with the finding of such arbitration board"

In line 75 after first comma insert "with the right of entry in and upon said premises"

Between lines 124 and 125 insert:

SECTION 4. All sales or leases of canal, public or other state land shall exclude all oil, gas, coal or other minerals on or under such lands, and all deeds executed and delivered by the state shall expressly reserve to the State all gas, oil, coal or other minerals on or under such lands with the right of entry in and upon said premises for the purpose of selling or leasing the same, or prosecuting, developing or operating the same and this provision shall affect and apply to pending actions.

SECTION 5. All sections of the general code and the amendments thereto in conflict with the provisions of this act shall be and hereby are repealed; and should any of the provisions or parts thereof of this act be declared to be unconstitutional, such decision shall not affect any other part hereof.

In line 125 change numeral "4" to "6"

C. D. FRIEBOLIN,
W. H. HERNER,
THEODORE C. JUNG,
E. J. HOPPLE,
I. C. KISER,
T. M. GREGORY,
E. F. WIESER,
E. G. LLOYD.

The amendments were agreed to.

The bill was ordered to be engrossed and read the third time in its regular order.

On motion of Mr. Friebolin the constitutional rule, requiring bills to be fully and distinctly read on three different days, was dispensed with, and S. B. No. 3 was engrossed at the clerk's desk and read the third time.

The question being, "Shall the bill pass?"

Mr. Dollison moved to refer the bill to a select committee of one, with instructions to amend as follows:

In line 50 strike out the words "including the right to the necessary use of the surface".

Which was agreed to, and Mr. Dollison was appointed such committee, and reported the bill amended as instructed.

The question being, "Shall the bill pass?"

Mr. Dollison moved to refer the bill to a select committee of one, with instructions to amend as follows:

In line 48 after the word "state" insert the words "by and with the consent of the Attorney General and Governor."

In line 57 after the word "Auditor" insert the words "Attorney General and Governor."

Which was agreed to, and Mr. Dollison was appointed such committee, and reported the bill amended as instructed.

The question being, "Shall the bill pass?"

Mr. Moore moved to refer the bill to a select committee of one, with instructions to amend as follows:

In line 36 after the word "to" insert the following: "the passage of this Act without first".

It was disagreed to.

The question being, "Shall the bill pass?"

Mr. Friebolin moved to refer the bill to a select committee of one, with instructions to amend as follows:

In line 122 strike out final "t" in word "intervent" and insert letter "e" in lieu thereof.

Which was agreed to, and Mr. Friebolin was appointed such committee and reported the bill amended as instructed.

The question being, "Shall the bill (S. B. No. 3) pass?"

The yeas and nays were taken, and resulted — yeas 21, nays 6, as follows:

Those who voted in the affirmative are: Messrs.

Beckett,	Gregory,	Hopple,	Potting,
Bernstein,	Haas,	Hudson,	Wieser,
Cahill,	Herner,	Jung,	Weygandt,
Finefrock,	Hillenkamp,	Kiser,	Wise,
Friebolin,	Holden,	Lloyd,	Zmunt—21.
Green,			

Those who voted in the negative are: Messrs. Beman, Broadstone, Cook, Dollison, Moore, Seward—6.

So the bill passed.

The question being, "Shall the emergency clause pass?" the yeas and nays were taken, and resulted—yeas 22, nays 6, as follows:

Those who voted in the affirmative are: Messrs.

Beckett,	Green,	Hopple,	Potting,
Bernstein,	Gregory,	Hudson,	Wieser,
Cahill,	Haas,	Jung,	Weygandt,
Cook,	Herner,	Kiser,	Wise,
Finefrock,	Hillenkamp,	Lloyd,	Zmunt—22.
Friebolin,	Holden,		

Those who voted in the negative are: Messrs. Beman, Broadstone, Dollison, Gallagher, Moore, Seward—6.

So the emergency clause passed.

The title was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. Presdient:

I am directed to inform you that the House of Representatives has adopted the following Joint Resolution, in which the concurrence of the Senate is requested:

H. J. R. No. 2 — Mr. Kilpatrick. Relative to enrolling certain bills in typewriting.

Attest: JOHN R. CASSIDY,
Clerk.

On motion of Mr. Green the rules were suspended and H. J. R. No. 2 was considered.

The question being on the adoption of the joint resolution.

The yeas and nays were taken, and resulted — yeas 22, nays none, as follows:

Those who voted in the affirmative are: Messrs.

Beckett,	Gallagher,	Holden,	Potting,
Bernstein,	Green,	Hopple,	Seward,
Cahill,	Gregory,	Hudson,	Weygandt,
Cook,	Haas,	Jung,	Wise,
Dollison,	Herner,	Moore,	Zmunt—22.
Finefrock,	Hillenkamp,		

So the joint resolution was adopted.

On motion of Mr. Green the Senate recessed until 7:45 o'clock P. M.

7:45 o'clock P. M.

The Senate met pursuant to recess.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

S. B. No. 3— Mr. Lloyd.

To provide for the conservation of the oil, gas, coal and other minerals upon the school and ministerial lands of the state, and to amend sections 3209-1, 3210, 3214, 3222, 3232 and 3233 of the General Code, and to enact new sections to be known as Sections 3211-1 and 3229-1 of the General Code.

Attest: JOHN R. CASSIDY,
Clerk.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

I am directed to inform you that the House of Representatives has adopted the following Joint Resolution, in which the concurrence of the Senate is requested:

H. J. R. No. 3 — Mr. Snyder, of Pickaway, relative to adjournment.

Attest: JOHN R. CASSIDY, Clerk.

On motion of Mr. Hudson the rules were suspended and H. J. R. No. 3 was considered.

The question being on the adoption of the joint resolution.

The yeas and nays were taken, and resulted — yeas 24, nays none, as follows:

Those who voted in the affirmative are: Messrs.

Beckett,	Green,	Hopple,	Moore,
Bernstein,	Gregory,	Howard,	Potting,
Cahill,	Haas,	Hudson,	Seward,
Cook,	Herner,	Jung,	Wieser,
Finefrock,	Hillenkamp,	Kiser,	Weygandt,
Gallagher,	Holden,	Lloyd,	Zmunt—24.

So the joint resolution was adopted.

Mr. Green submitted the following report:

The joint committee on Enrollment has examined and found correctly enrolled the following bills and joint resolutions:

H. B. No. 1 — Mr. Chapman.

To amend sections 17 and 18 of an act entitled: "An act to further define the powers, duties and jurisdiction of the state liability board of awards with reference to the collection, maintenance and disbursement of the state insurance fund for the benefit of injured, and the dependents of killed employes and requiring contribution thereto by employers, and to repeal sections 1465-42, 1465-43, 1465-45, 1465-46, 1465-53, 1465-54, 1465-55, 1465-56, 1465-57, 1465-58, 1465-59, 1465-60, 1465-61, 1465-62, 1465-63, 1465-64, 1465-65, 1465-66, 1465-67, 1465-68, 1465-69, 1465-70, 1465-71, 1465-72, 1465-73, 1465-74, 1465-75, 1465-76, 1465-77, 1465-78, 1465-79 of the General Code," passed February 26, 1913, approved March 14, 1913 and filed in the office of the Secretary of State March 17, 1913, relating to the amount to be contributed to the insurance fund by the State and its several subdivisions.

S. B. No. 1. — Mr. Green.

To amend sections 6859-1 (being section 1 of an act entitled "An act providing a levy and to create a fund for the purposes provided in the act passed May 31st, 1911, entitled, 'an act creating a state highway department, defining the duties thereof and providing aid in the construction and maintenance of highways and to repeal certain sections of the General Code' approved June 9th, 1911, and for other purposes defined therein." 103 O. L. 155) and 7575 of the General Code, relating to the levying of taxes for highway, school and sinking fund purposes.

S. B. No. 3 — Mr. Lloyd.

To provide for the conservation of the oil, gas, coal and other minerals upon the school and ministerial lands of the state, and to amend

sections 3209-1, 3210, 3214, 3222, 3232 and 3233 of the General Code, and to enact new sections to be known as Sections 3211-1 and 3229-1 of the General Code.

S. J. R. No. 1 — Mr. Hudson. To notify the governor that the General Assembly is in session.

H. J. R. No. 2 — Mr. Kilpatrick. Relative to enrolling certain bills in typewriting.

H. J. R. No. 3 — Mr. Snyder, of Pickaway, relative to adjournment.

J. E. HOLDEN,
VINCENT ZMUNT,
Wm. GREEN,
JAMES T. CARROLL,
FRANK W. THOMAS,
WALTER G. AGLER,
E. C. WOODWORTH.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Mr. President:

I am directed to inform you that the Speaker of the House of Representatives, in the presence of the House, has signed the following:

H. B. No. 1 — Mr. Chapman.
S. B. No. 1 — Mr. Green.
S. B. No. 3 — Mr. Lloyd.
S. J. R. No. 1 — Mr. Hudson.
H. J. R. No. 2 — Mr. Kilpatrick.
H. J. R. No. 3 — Mr. Snyder, of Pickaway.

Attest: JOHN R. CASSIDY,
Clerk.

The President in the presence of the Senate signed said bills and joint resolutions.

The Journal of today's proceedings was read and approved.

On motion of Mr. Green the Senate adjourned sine die.

Attest: W. V. GOSHORN,
Clerk.

APPENDIX

to the

Journal of the Senate

of the

Eighteenth General Assembly
of the State of Ohio

Second Extraordinary Session

MONDAY, JULY 20, 1914

TABLE OF CONTENTS.

ROSTER OF THE OFFICERS AND MEMBERS OF THE SENATE OF THE EIGHTIETH GENERAL ASSEMBLY.

SECOND EXTRAORDINARY SESSION, JULY 20, 1914.

OFFICERS OF THE SENATE.

Name.	Position.	Residence.
W. A. Greenlund	President	Cleveland.
William Green	President pro tem	Coshocton.
W. V. Goshorn	Clerk	Galion.
Floyd Atwill	Assistant Clerk	Paulding.
Margaret Green	Recording Clerk	Coshocton.
Henry Meineke	Sergeant-at-arms	Cincinnati.
Rev. W. A. Perrins	Chaplain	Columbus.

MEMBERS OF THE SENATE.

Dist.	Counties.	Name.	Pol.	P. O. Address.	Occupation or Profession.
1st	Hamilton	Louis P. Cook	D	Cincinnati, 1372 Avon Place.	Veterinarian.
		Thomas M. Gregory	D	Cincinnati, 68 Wiggins Bldg.	Attorney.
		Theodore C. Jung	D	Cincinnati, 37 Carew Bldg.	Attorney.
2nd & 4th	Butler. Warren. Brown. Clermont.	John E. Holden	D	Morrow	Pullman conductor.
3rd	Montgomery. Preble.	Michael Cahill (1)	D	Eaton	Attorney.
5th & 6th	Fayette. Greene. Clinton. Highland. Ross.	M. A. Broadstone	R	Xenia	Attorney.
7th	Adams. Jackson. Scioto. Pike.	J. I. Hudson (1)	D	Portsmouth	Civil engineer.
8th	Gallia. Lawrence. Meigs. Vinton.	M. E. Beman	R	Thurman	Retired banker.
9th & 14th	Athens. Hocking. Fairfield. Washington. Morgan. Noble, part of. Monroe, part of.	J. B. Dollison	D	Logan	Editor.
10th	Franklin	Erastus G. Lloyd	D	Columbus	Attorney.
	Pickaway	John O. Beckett	D	Commercial Point	Merchant.
11th	Champaign. Clark. Madison.	Chas. T. Gallagher	R	Mt. Sterling	Physician.
12th	Darke. Miami. Shelby.	I. C. Kiser	D	Fletcher	Physician.

MEMBERS OF THE SENATE — Concluded.

Dist.	Counties.	Name.	Pol.	P. O. Address.	Occupation or Profession.
13th & 31st	Hardin. Logan. Marion. Union. Crawford. Seneca. Wyandot.	R. H. Finefrock (1).	D	Prospect	Physician.
15th & 16th	Muskingum. Perry. Delaware. Licking.	William E. Haas (1).	D	Delaware	Cigar Mfgr.
17th & 28th	Morrow. Knox. Holmes. Wayne.	John Cunningham	D	Gambier	Farmer.
18th & 19th	Coshocton. Tuscarawas. Guernsey. Monroe, part of. Noble, part of.	William Green (1)	D	Coshocton	Miner.
20th & 22d	Columbiana. Harrison. Belmont. Jefferson.	C. J. Howard (5) (6) Justin A. Moore	R R	Barnesville Steubenville, 510 6th Ave	Attorney. Attorney.
21st	Carroll. Stark.	Jacob J. Wise	R	Massillon	Merchant.
23d	Trumbull. Mahoning.	John L. McDermott	R	Niles	Merchant.
24th & 26th	Ashtabula. Lake. Geauga. Summit. Portage.	William F. Potting William A. Weygandt	D D	Akron Akron	Printer. Editor.
25th	Cuyahoga	Maurice Bernstein *Carl D. Friebolin (3) Vincent Zmunt E. J. Hopple One seat vacant account resignation of W. A. Greenlund, appointed Lieutenant - Governor.	D D D D	Cleveland, 527 Soc. for Savs. Cleveland, 613 Am. Trust Bldg. Cleveland, 1103 Eng'rs Bldg. Cleveland, 1033 Williamson Bldg.	Attorney. Attorney. Attorney. Attorney.
27th & 29th	Medina. Lorain. Ashland. Richland.	James P. Seward	D	Mansfield	Attorney.
30th	Erie. Huron. Ottawa. Sandusky.	Wm. H. Herner	D	Monroeville	Merchant.
32nd	Allen. Auglaize. Defiance. Mercer. Paulding. Van Wert. Williams.	Seat vacant account resignation of Daniel F. Mooney, appointed Envoy Extraordinary and Minister Plenipotentiary to Paraguay.			
33d	Fulton. Hancock. Henry. Putnam. Wood.	E. F. Wieser	D	Ottawa	Attorney.
34th	Lucas	F. Hillenkamp (3) (4)	D	Toledo, 2123 Vermont Ave.	Retired.

(1) Member Senate, 79th General Assembly. (2) Member Senate, 78th General Assembly.
(3) Member House, 79th General Assembly. (4) Member House, 77th General Assembly.
(5) Member House, 72nd General Assembly. (6) Member House, 73rd General Assembly.
* Senator Friebolin resigned as a member of the Ohio Senate July 20, 1914, to accept appointment as Common Pleas Judge, Eleventh Judicial District of Ohio.

JOINT RULES OF THE GENERAL ASSEMBLY.

(Revised February, 1913.)

RULE 1. Whenever the two branches of the General Assembly shall convene for any purpose required by the Constitution or laws of the state, such convention shall be held in the hall of the House of Representatives, unless otherwise ordered by a joint resolution of the two branches, and the President of the Senate shall preside. During all such conventions each branch shall be held to be in session as a separate branch of the General Assembly and be governed by its own rules; and except in voting at elections, where each member is entitled to a separate vote, shall act as such, and no question shall be considered as carried otherwise than by the concurrent action of both branches; provided, that either branch may, by a vote of a majority of all its members, dissolve such convention by withdrawing therefrom; and such convention may, by the concurrent vote of the two branches, take a recess, or adjourn to a time certain; but such recess or adjournment of the convention shall not be held to be an adjournment or recess of either branch, nor to prevent either from proceeding with its usual business during such recess or adjournment of the convention.

RULE 2. In all elections in joint session, a majority of the votes cast shall be necessary to a choice.

BILLS.

RULE 3. Bills introduced in either house shall be legibly written, typewritten, or printed, and shall bear the name of the author and must in all respects, as to form, comply with the laws, and the rules of the General Assembly.

RULE 4. Bills shall have noted in their titles a distinct reference to the subject or matter to which they relate and also, if they propose the amendment or repeal of any law, to the section proposed to be amended or repealed.

RULE 5. Bills, as well as joint resolutions, shall be printed after their first reading, and distributed for the use of members of the two houses.

RULE 6. In all bills introduced which seek to amend existing statutes any new matter contained therein shall be underscored by the author, and when printed the matter so underscored shall be printed in italics; and when amendment is sought by the omission or elimination of matter in an existing law the author shall indicate such omission or elimination by asterisks and the printer shall follow such indicated marks in copy. No bill shall be sent to the printer by the Clerk which does not conform to these requirements.

RULE 7. When a bill or joint resolution has been passed or adopted in either house, notice shall be forthwith given to the other house.

RULE 8. When a bill or joint resolution which shall have been passed in one house is rejected or lost in the other, or postponed indefinitely, notice thereof shall forthwith be given the other house.

RULE 9. When a bill or joint resolution which has passed one house, and been amended, passed and returned by the other, the question shall be upon concurrence in the amendment or amendments, and the same number of votes shall be required to concur as was required to pass the

bill or resolution in the house in which it originated; and if such house refuse to concur in the amendment, notice shall be forthwith sent to the other house where the proceedings shall be in the following order:

First, to insist upon its amendment and ask for a committee of conference;

Second, to recede from its amendment, which has the effect of passing the bill in the form in which it passed the house in which it originated;

Third, to adhere to its amendment, which precludes a committee of conference.

COMMITTEES OF CONFERENCE.

RULE 10. All committees of conference shall consist of three on the part of the Senate, and three on the part of the House of Representatives unless otherwise specially ordered by both houses.

RULE 11. Whenever any committee of conference of the two houses shall disagree, other committees may be appointed; and if either of the two houses shall disagree to any report of a committee of conference, such house shall forthwith notify the other of such disagreement, and request another committee of conference; and thereupon another committee shall be appointed.

RULE 12. A committee of conference appointed to consider matters of difference between the two houses upon any bill or resolution, may consider and include in its report any amendments pertinent to the bill or joint resolution, whether or not the form or substance of such amendments relate exclusively to the original matters of difference, or the committee may offer a substitute for said bill or resolution.

RULE 13. The report of a conference committee is always in order except during a roll call or division, and cannot be laid on the table, referred to a committee, or indefinitely postponed, and must be voted upon as a whole.

MESSAGES.

RULE 14. All messages sent from one house to the other shall be carried by an officer or employe of said house who shall give a receipt for the same to the message clerk from whom he receives the message. He shall deliver the message without delay to the clerk of the house to which it is sent and take a receipt therefor from said clerk or one of his assistants authorized by him to receipt for messages. The receiving clerk shall deliver such message to the presiding officer of the body, who shall, in the proper order of business, and within a reasonable time, lay it before the house.

ENGROSSMENT OF BILLS.

RULE 15. All bills and resolutions, before they are passed or adopted by either house, shall be carefully engrossed in plain handwriting, in printing or in typewriting, and the engrossed copy carefully compared with the original bill, and the journal showing the amendments agreed to.

RULE 16. When a bill shall have passed one house, and shall be amended in the other, the amendments shall be engrossed upon a separate piece of paper, and the bill, as amended, shall be fully engrossed, and both returned, with the engrossed bill received from the other house, to the house in which it originated. In such engrossments, sections of bills and joint resolutions amended shall be engrossed in a plain engrossing handwriting, in printing or typewriting. Whenever a bill shall be passed in one house and sent to the other and a substitute therefor is

agreed to by such house, in the communications between the houses such substitute shall be designated and treated as an amendment to the original bill, and the message relating thereto shall definitely show as in case of other amendments, how the original bill is amended.

RULE 17. A bill or joint resolution having been reported to either house by the Joint Committee on Enrollment, shall not thereafter be subject to amendment, commitment or other action by either house; but this provision shall not apply to bills returned to the General Assembly by the Governor or Secretary of State.

SIGNING AND VETO OF BILLS.

RULE 18. All bills and joint resolutions, which shall have passed both houses, shall first be signed by the Speaker of the House of Representatives, and then by the President of the Senate, the latter affixing the date thereto and delivering the same to the Clerk of the Senate who shall deliver each bill so passed to the Governor, taking a receipt therefor, and each joint resolution to the Secretary of State taking the latter's receipt therefor. When any bill shall have been disapproved by the Governor and subsequently enacted into law over such veto, in accordance with the provisions of the Constitution, the enrolled copy shall be indorsed with the record of the proceedings in each house subsequent to the veto, attested by the Speaker of the House and President of the Senate.

RULE 19. When a bill or joint resolution shall have passed either house, and been sent to the other for concurrence, such bill or joint resolution shall take precedence on the calendar, of all bills, joint resolutions or resolutions not yet passed or adopted by the house in which they originated; provided, that such bills or joint resolutions shall not take precedence of other bills or joint resolutions which may have been carried over from an unfinished calendar.

RULE 20. Any bill placed on the calendar for third reading, informally passed, and which was not subsequently called up for consideration, shall be placed in its order at the head of the calendar of bills for third reading on the succeeding day.

RULE 21. The chairman of each committee of the Senate and House of Representatives shall, at some time before the final consideration of any bill referred to his committee, if objection thereto be made or material amendment offered in committee, give verbal or written notice to the author of the bill, fixing a time when he may be heard by the committee.

RULE 22. The yeas and nays shall be called in each house on the adoption of all joint resolutions and upon concurrence in amendments made by one house to a bill or resolution originating in the other, and upon the adoption of the reports of conference committees.

RULE 23. The Clerks of the Senate and House of Representatives shall cause a calendar for each branch of the General Assembly to be printed and placed upon the desk of each Senator and Representative before the opening of each daily session, showing for the day bills for second reading, the bills for third reading, and the special orders of the day.

RULE 24. The calendar may also show such other information relating to the business of the houses as the Chair or the Clerk may desire to bring to the attention of the members.

RULE 25. When a message shall be transmitted to the general assembly by the governor expressing his disapproval of any bill, or, item or items of an appropriation bill, which has been passed by the general assembly, the question shall be presented in each House as follows: "Shall the bill (or item or items of the appropriation bill) be passed notwithstanding the objections of the governor?"

RULES OF THE SENATE.

(Revised January 27, 1913.)

ORGANIZATION.

RULE 1. At the hour of ten o'clock, forenoon, of the day appointed for the beginning of any regular session of the General Assembly, the President of the Senate, or in case of his absence or inability, the oldest man present who is a senator-elect, shall take the chair and call the members-elect to order, and shall appoint one of them clerk pro tempore; and the President or Chairman shall then call over the senatorial districts in their numerical order, and as the same are called the persons claiming to be members shall present their certificates and take the oath of office. (Section 35 G. C.)

RULE 2. After the senators-elect shall have taken the oath of office, a quorum of all the senators elected being present, the Senate shall proceed to elect the officers provided by the statutes, and the officers so elected shall appear at the bar of the Senate and take an oath of office, to be administered by the presiding officer.

RULE 3. The Lieutenant Governor shall be President of the Senate, but shall vote only when the Senate is equally divided, except as otherwise provided in Art. II, Sec. 9 of the Constitution; and in case of his absence or impeachment, or while he is exercising the office of governor, the Senate shall choose a president pro tempore. (See Const., Art. III, Sec. 16.)

RULE 4. The President may name any senator to perform the duties of the chair, but such substitution shall not extend beyond an adjournment; nor shall any senator so named attest any document as president or president pro tem. of the Senate.

RULE 5. When both the President and the President pro tem., are absent at the hour to which the Senate has adjourned or taken a recess, the Clerk shall call the Senate to order and the Senate shall proceed to select some member to act as presiding officer until the President or the President pro tem. shall be present, or an adjournment is taken.

RULE 6. The President shall have general direction of the Senate chamber and enforce the rules of the Senate. He shall preserve order and decorum in the proceedings of the Senate; and in case of any disturbance or disorderly conduct in the lobby the President or Chairman of the Committee of the Whole shall have the power to order the same to be cleared.

RULE 7. The President, or in his absence the President pro tem., shall sign all acts and joint resolutions when passed by both houses; and all writs, warrants and subpoenas issued by order of the Senate shall be under his hand, attested by the Clerk.

ORDER OF BUSINESS OF THE DAY.

RULE 8. As soon as the Senate is called to order prayer may be offered, and a quorum being present, the journal of the preceding legislative day shall be read by the Clerk, and, if necessary, corrected by the Senate.

RULE 9. As soon as the journal is read and approved, the order of business shall be as follows:

1. Presentation of petitions and memorials.
2. Offering of motions and resolutions.
3. Introduction of bills.
4. Bills for second reading.
5. Reports of standing committees in their alphabetical order.
6. Reports of select committees.
7. Resolutions laid over under Rule 73 or Rule 86.
8. Bills for third reading.

RULE 10. The business of the Senate shall be disposed of in the order in which it is arranged, and not otherwise, unless by leave of two-thirds of the senators present.

RULE 11. If the calling of the committees for reports be not completed on any given day, the Clerk shall, on the subsequent day, on reaching the order of "Reports of Standing Committees," commence with the committee next in order after the last called on the previous day.

RULE 12. Messages from the House of Representatives and communications from any branch of the executive department of the state, may be received, read and disposed of at any time, except when the President is putting a question, while the yeas and nays are being called, or while ballots are being counted, unless objection is made to the reading, when the Senate shall decide.

QUORUM.

RULE 13. A majority of all the members elected to the Senate, shall constitute a quorum, but a less number may compel the attendance of absent members or adjourn from day to day.

RULE 14. Should a roll call show the absence of a quorum the President shall direct the Sergeant-at-Arms to dispatch his messengers for absentees, and until a quorum is present, no business shall be in order except a motion to adjourn, and the enforcement of the attendance of the absentees.

CALL OF THE SENATE.

RULE 15. The President may order, or any senator may demand, a call of the Senate, and upon such call the names of the senators shall be called by the Clerk in their alphabetical order and the names of the absentees entered upon the journal.

RULE 16. On the completion of the roll call on a call of the Senate, the President shall direct the Sergeant-at-Arms to bring in the absentees, if any, and until such absentees have appeared at the bar of the Senate and answered to their names, no business shall be in order except a motion to adjourn and a motion to dispense with further proceedings under the call.

RULE 17. Pending a call of the Senate, if a motion to adjourn has been voted down, it shall not be renewed until a motion "to dispense

with the call" has been voted upon, or until a senator has appeared and answered to the roll call.

RULE 18. A motion to dispense with further proceedings under the call shall not be made in the absence of a quorum.

RULE 19. While the Senate is under a call the doors shall be closed and only members and officers of the Senate shall be admitted; senators shall take and remain in their seats, and no senator shall be permitted to leave the chamber unless by a majority vote of the senators present.

STANDING COMMITTEES.

RULE 20. At as early a date as practicable after the organization of the Senate, there shall be appointed by the Senate the following standing committees, the number composing each committee to be fixed by resolution of the Senate; unless otherwise directed the number shall be as follows:

Agriculture, 7.
Banks and Savings Societies, 7.
Benevolent Institutions, 7.
Claims, 7.
Commercial Corporations, 7.
Constitution Amendments and Initiative and Referendum, 9.
County Affairs, 9.
Drainage and Irrigation, 5.
Enrollment (joint), 5.
Federal Relations, 9.
Fees and Salaries, 7.
Finance, 12.
Fish Culture and Game, 5.
Geological Survey, 5.
Industrial Schools, 5.
Insurance, 11.
Judiciary, 13.
Labor, 7.
Library, 5.
Manufactures and Commerce, 7.
Medical Colleges and Societies, 7.
Military Affairs, 7.
Mines and Mining, 6.
Municipal Affairs, 9.
Prisons and Prison Reform, 7.
Privileges and Election, 9.
Public Education, 9.
Public Printing, 5.
Public Utilities, 10.
Public Works, 11.
Roads and Highways, 9.
Rules, 6.
Sanitary Laws, 5.
Soldiers' and Sailors' Home, 7.
Soldiers' and Sailors' Orphans' Home, 7.
State Buildings, 5.
Taxation, 11.
Temperance, 7.

RULE 21. The first named member of any committee shall be the chairman, and in his absence the next named member shall act as such, unless the committee, by a majority vote, elect a Chairman.

RULE 22. Each committee shall meet upon the call of its Chairman, and in case of his absence, or refusal to call the committee together, a meeting may be called by any two members of the committee. All committee meetings shall be open and a record of the action taken therein shall be kept by the secretary of the committee, the same to be filed with the clerk of the Senate at the close of the session.

RULE 23. No committee shall sit during the daily sessions of the Senate without leave of the Senate.

RULE 24. The several standing and select committees of the Senate shall have leave to report by bill or otherwise; but the report of any committee must be signed by a majority of its members before it can be received at the Clerk's desk; when a majority of a committee have reported, the minority may present their views, when the question shall be upon the substitution of the minority for the majority report.

RULE 25. The Committee on Enrollment may report at any time when the Senate is not otherwise engaged.

RULE 26. Every committee to which a bill or resolution is referred shall carefully examine the form, phraseology, punctuation and arrangement thereof and, when necessary, report to the Senate the amendments to correct the same.

RULE 27. All committees, except standing committees, shall be appointed by the President, unless the Senate shall otherwise direct.

RULE 28. When a motion is made to commit to a committee of the whole Senate, or to a standing committee, it shall not be in order to amend such motion by substituting any other committee; but if any other committee be suggested, the question shall first be put upon the committee first named, and afterwards upon the committee or committees suggested, in the order in which they were named.

COMMITTEE OF THE WHOLE.

RULE 29. When the Senate is ready to proceed to the orders of the day, a motion to go into the Committee of the Whole on the order of the day shall have precedence of all other motions, except to adjourn, to take a recess, to lay on the table, and for the previous question.

RULE 30. In forming the Committee of the Whole the President shall leave the chair and appoint a Chairman, who shall preside and vote as other senators.

RULE 31. The Clerk shall make no permanent record, but shall keep such minutes of the proceedings of the Committee of the Whole as will enable the Chairman to make up his report to the Senate.

RULE 32. The rules of proceeding in Committee of the Whole shall be the same as in the Senate, so far as they may be applicable.

RULE 33. In Committee of the Whole, bills and resolutions shall be read by the chairman or clerk, and considered by sections, unless it be otherwise directed by the committee, leaving the title or preamble as the case may be, last to be considered. The body of the bill shall not be defaced or interlined, but amendments shall be noted by the chairman or clerk on a separate piece of paper, as the same are agreed to by the committee and so reported to the Senate.

RULE 34. When the committee shall arise the President of the Senate shall immediately resume the chair and the chairman of the Committee of the Whole shall at once present the report of the committee. The Senate shall forthwith proceed to the consideration of the bill and the amendments of the committee, unless the Senate shall otherwise order, but the bill shall be subject to discussion or amendment before the question to engross the bill is taken.

VOTING.

RULE 35. Every senator present when the question is put shall vote, unless the Senate by a majority vote shall excuse him. A request to be excused from voting must be made before the Senate divides or before the call of the roll begins.

RULE 36. Any senator requesting to be excused from voting may briefly explain the reason for such request, and the Senate shall pass upon the request without debate.

RULE 37. When fewer than a quorum vote on any question the President shall forthwith order the roll of senators to be called. If a quorum be present, as shown by answering to their names, or by their presence in the chamber, the President shall again order the roll to be called, and if any senator refuses to vote, he shall be noted as present but not voting, unless the Senate shall have previously excused him.

RULE 38. No senator shall vote upon any question involving his election or the right to his seat.

RULE 39. After a vote is taken viva voce if the President is undecided, or if a division is demanded by any senator before the result is announced, the Senate shall divide. Those voting in the affirmative shall arise at the sound of the gavel and remain standing until counted and the count is announced; then those voting in the negative shall arise and remain standing until counted and the count is announced.

VOTING — THE YEAS AND NAYS.

RULE 40. Any senator may demand the yeas and nays on any question, but the demand must be made before a vote is taken and declared, or before the Senate divides. The President may order the yeas and nays upon any question when he is in doubt as to the result of a vote taken viva voce.

RULE 41. The yeas and nays shall be called upon the election of all officers, and a majority vote of the Senate shall be necessary to elect; "but if a choice be not made on or before the tenth voting, the person thereafter receiving the highest number of votes shall be declared duly elected." (Sec. 39 G. C.)

RULE 42. The yeas and nays shall be called upon the passage of all bills and upon the adoption of all joint resolutions having the force and effect of law, the votes of a majority of all the senators elected being required in each instance, except in emergency bills which must receive the vote of two-thirds of all the senators elected. In emergency bills the yeas and nays must be called separately upon the emergency clause, the votes of two-thirds of all the members elected to the senate, likewise, being necessary for the passage of the emergency clause. (Sec. 9, Art. 2, and Sec. 1-d, Art. 2, Const.)

RULE 43. The yeas and nays shall be called upon the adoption of all resolutions providing for the expenditure of money, and a majority vote of all the Senators elected shall be necessary to the adoption of any such resolution.

RULE 44. The yeas and nays shall be called upon all bills or resolutions granting extra compensation to any officer or employe of the Senate, or for the payment of any claim not provided for by pre-existing law; and no such bill or resolution shall be passed or adopted unless it shall receive the vote of two-thirds of all the senators elected. (Art. 2, Sec. 29, Const.)

RULE 45. The yeas and nays shall be called upon advising and consenting to appointments made by the Governor, the question being, "Shall the Senate advise and consent to the appointment by the Governor?" (Sec. 2, Art. VII, Const.)

RULE 46. The yeas and nays shall be called upon the adoption of all resolutions proposing amendments to the constitution, and three-fifths of the votes of all the senators elected shall be necessary to the adoption of such resolutions. (Sec. 1, Art. XVI, Const.)

RULE 47. The yeas and nays shall be called upon the question of concurring in amendments made by the House of Representatives to all bills or joint resolutions passed by the Senate; and upon agreeing to the report of conference committees.

RULE 48. No person, other than the Clerk and his assistants, shall be permitted at the Clerk's desk while the yeas and nays are being taken.

RULE 49. After the roll has been called and before the announcement of the result, any Senator may demand a verification of the vote, when the Clerk shall read, first the names of those Senators voting in the affirmative, then of those voting in the negative, when any Senator on account of error, or for any other reason, may change his vote; but no Senator shall be permitted to change his vote, as recorded, after the roll call has been verified and the result declared.

DECORUM AND DEBATE.

RULE 50. When a Senator desires to address the Senate or to make a motion, he shall arise and respectfully address himself to "Mr. President," and the President shall recognize him by announcing "The Senator from ————" naming the county; and if the county is represented by more than one Senator the announcement shall be "The Senator from ———— Mr. ————."

RULE 51. When two or more Senators seek recognition of the Chair at the same time, the President shall decide which Senator shall speak first.

RULE 52. No Senator shall speak more than twice to the same question except in Committee of the Whole, or by leave of the Senate; and, the Senator speaking shall confine himself to the question under debate, and avoid personalities.

RULE 53. Any Senator while discussing a question may read, or cause to be read, from books, papers, or documents any matter of reasonable length pertinent to the subject under consideration without asking leave. The President shall decide upon the relevancy of the matter thus read and upon the limitation as to length, but his decision shall be subject to appeal.

RULE 54. Any Senator may call for a statement of the pending question, when the President shall re-state the same.

RULE 55. Any Senator may call for a division of the question, and the decision of the President as to its divisibility shall be subject to appeal as in questions of order.

RULE 56. All questions of order shall be decided by the President without debate; such decision shall be subject to appeal to the Senate by any two Senators, on which appeal no Senator shall speak more than once, unless by leave of the Senate; and the President may speak in preference to Senators.

RULE 57. If any Senator, in speaking or otherwise, transgress the rules of the Senate, the President shall, or any member may, call him to order; and the Senator called to order shall take his seat, if required to do so by the President, until the question of order is decided.

RULE 58. If the decision be in favor of a Senator called to order, he shall be at liberty to proceed; if otherwise he shall not be permitted to proceed in case any Senator objects, without leave of the Senate.

RULE 59. If a Senator call another to order for words spoken in debate, he shall, if required by the President, reduce to writing the language used by the Senator which is deemed to be out of order.

BILLS.

RULE 60. Bills may be introduced by a Senator, or as the report of a committee in the regular order of business, or at any other time, on leave of the Senate, upon a statement of the object of the bill.

RULE 61. Bills shall be legibly written, typewritten, or printed, and shall bear the name of the author, and must in all respects as to form, comply with the constitution and the rules of the Senate.

RULE 62. Bills shall have noted in their title a distinct reference to the subject or matter to which they relate, and if they propose the amendment or repeal of any law, to the section proposed to be amended or repealed.

RULE 63. In all bills introduced, which seek to amend existing statutes, any new matter contained therein shall be underscored, and when printed, the matter so underscored shall be printed in italics; and when an amendment is sought by the omission or elimination of matter in an existing law, the author shall indicate such omission or elimination by asterisks, and the printer shall follow such indicated marks on copy. No bill shall be sent to the printer by the Clerk which does not conform to these requirements.

RULE 64. Upon the first reading of a bill, and before it is printed, the author may, by leave of the Senate, make correction in the form or phraseology, but after a bill has been read the second time such change must be made in regular form by amendment.

RULE 65. If opposition be made to a bill on the first reading, the question shall be, "Shall the bill be rejected?" If the bill be not rejected, it shall pass to a second reading in the order of proceeding.

RULE 66. All bills shall be read the second time in the order in which they are introduced, and unless made a special order, shall be placed upon the calendar and read the third time in the order in which they are directed to third reading.

RULE 67. On the second reading of a bill the President shall state that it is ready for commitment or engrossment; if no motion or order

be made to the contrary, it shall be committed to the Committee of the Whole to be considered in its order; if the bill be ordered to be engrossed, the Senate shall direct on what day it shall be read the third time.

RULE 67-a. Any senator may, in any order of business, demand the return to the Senate of any bill, or resolution, of which he is the author, from the standing or select committee, to which it has been committed, after fifteen legislative days from the time when said bill or resolution was committed, a report thereon in the meantime not having been made to the Senate; and such demand, when so made, shall constitute the demand of the Senate, and the bill or resolution shall be at once before the Senate, subject to such disposition as shall then be determined upon. Any member of the House of Representatives, being the author of a bill or resolution pending in the Senate, may designate any senator who may act for the purpose of such a demand, but such authority shall be in writing and spread upon the journal of the Senate at the time the demand is made.

RULE 68. House bills when altered or amended by the Senate, shall be engrossed in like manner as Senate bills preparatory to their third reading.

RULE 69. If a question on ordering a bill to be engrossed for a third reading on a particular day be lost, it shall not preclude a motion to order it to be engrossed for a third reading on a different day, unless a division of the question be called for; but if, on such division, the question on engrossing a bill shall fail, the bill shall be considered as lost.

RULE 70. After commitment and report to the Senate, or at any time before its passage, a bill or resolution may be re-committed.

RULE 71. If a bill or resolution be lost, and the vote reconsidered, such bill or resolution shall not thereafter be committed to other than a standing committee, except when it is sought to amend such bill, when it may be committed to a select committee, with instructions for that purpose.

RULE 72. A bill or resolution may be made a special order by a two-thirds vote of the Senate.

RULE 73. All bills and resolutions reported by a committee, with recommendation for passage or adoption, or ordered to be read the third time without reference, shall, unless the Senate otherwise order, be placed on the calendar for the second day following their being so reported or ordered.

RULE 74. Bills standing in order for third reading shall be taken up and read without a motion to that effect, and, unless otherwise ordered by the Senate, the question shall be "Shall the bill pass?"

RULE 75. When a bill which has been set for third reading on a particular day, shall, for any reason, not be reached on that day, it shall stand for third reading on the first succeeding day when bills for third reading shall be reached in the regular order of business.

RULE 76. When a bill has been ordered for third reading on a particular day, or at a certain hour, it shall not sooner be taken up except upon a two-thirds vote of the Senate.

RULE 77. If a bill be amended before being placed upon the calendar for third reading, the Clerk shall note on the calendar the fact that it has been amended, and shall cite the date when such amendment was made and the page of the Senate or House Journal upon which such amendment appears.

RULE 78. On the passage of all bills making appropriations of money or in concurring in House amendments thereto, a separate vote on any item or items therein shall, on demand of any five Senators, first be had by yeas and nays, and entered upon the Journal; and every such item failing to receive the votes of a majority of all the members elected to the Senate, or of two-thirds of the members elected, if required by the Constitution, shall be stricken from such bill before the vote is taken upon its passage.

RULE 79. When a bill has passed the Senate the Clerk shall read its title and the President shall demand if the Senate agree thereto; and if the Senate is agreed the Clerk shall make out the title accordingly, and certify to the passage of the bill upon the back thereof.

AMENDMENTS.

RULE 80. No motion or proposition upon a subject different from that under consideration shall be admitted under color of an amendment.

RULE 81. A motion to strike out and insert shall be deemed divisible; and a refusal to strike out shall be equivalent to agreeing to the matter in that form, but shall not preclude further amendment by way of addition.

RULE 82. Matter inserted in or stricken from a bill by amendment cannot be subsequently stricken from or inserted in a bill by amendment, thus restoring it to its original form, but this result may be reached by reconsideration, if in order.

RULE 83. After a bill has been read the third time it shall not be amended, except by reference to a committee with instructions to amend, which instructions shall embody the amendment or amendments proposed. But it shall be in order to instruct a committee to amend an engrossed bill in any particular.

RULE 84. No bill or resolution shall, at any time, be amended by annexing thereto or incorporating therewith any other bill or resolution pending before the Senate.

RESOLUTIONS.

RULE 85. Resolutions may be offered by a Senator in his individual capacity, or as a report of a committee in the regular order of business, or at any regular time on leave of the Senate.

RULE 86. When a joint resolution is offered in the Senate, or upon the reading of a resolution from the House of Representatives, such resolution shall lie over for one day before being considered, unless the Senate decide by a two-thirds vote, and without debate, upon its immediate consideration; fixes a future time for its consideration; or refers it to a committee.

RULE 87. No Senate resolution proposing to appropriate money shall be in order; but money appropriated by law for the contingent expenses of either branch of the General Assembly may be disbursed by resolution of such branch. (State vs. Oglevee, 36 O. S. 324.)

PETITIONS AND MEMORIALS.

RULE 88. Petitions, memorials or remonstrances may be presented by any Senator, or by a committee in the regular order of business, or on leave at other times, and shall be referred to appropriate committees, upon motion, without putting such motion, unless objection is made, in which case the Senate shall decide.

RULE 89. No petition, memorial or remonstrance shall be printed unless by order of the Senate.

RULE 90. Any Senator may protest against any act or resolution of the Senate, and such protest and the reasons therefor, shall, without alteration, commitment or delay, be entered upon the Journal. (Sec. 10, Art. II, Const.)

RULE 91. Protests shall be couched in parliamentary language, and must conform to the rules of the Senate.

MOTIONS AND QUESTIONS.

RULE 92. Every motion shall be reduced to writing if the President or any Senator so desires; and whenever an amendment is offered to any bill or resolution under consideration, or any amendment to such an amendment, the Senator proposing the same shall reduce it to writing and send it to the Clerk's desk.

RULE 93. The following motions shall take precedence in the order named:

1. To adjourn.
2. To take recess.
3. To lie on the table.
4. The previous question.
5. To proceed to the orders of the day.
6. To postpone to a time certain.
7. To commit.
8. To amend.
9. To postpone indefinitely.

RULE 94. The following questions shall be decided without debate, to-wit:

1. To adjourn.
2. To take a recess.
3. To lie on the table.
4. The previous question.
5. To take from the table.
6. To go into committee of the whole on the orders of the day.
7. All questions relating to the priority of business.

RULE 95. When a motion is made and seconded the question shall be stated by the President; or, being in writing, it may be read to the Senate by the President or Clerk.

RULE 96. Questions shall be distinctly put in this form: "You who are of the opinion (as the question may be) say 'aye'," and after the affirmative voice is expressed, "you who are of the contrary opinion say 'no'."

RULE 97. After a motion is stated or read by the President, or read by the Clerk, it shall be deemed to be in the possession of the Senate, but may be withdrawn, by leave of the Senate, at any time before a decision or amendment.

RULE 98. All questions, whether in the Senate or committee of the whole, except privileged questions, shall be put in the order in which they are made, except that in filling blanks the largest sum and the longest time shall be put first.

RECESS AND ADJOURNMENT.

RULE 99. The interim between any two sessions of the Senate on the same day shall be termed a recess, and on the re-assembling at the appointed hour any question pending at the time of taking such recess shall be resumed without a motion to that effect; and unless the Senate, shall otherwise order by resolution or motion the hour to which it shall adjourn shall be half past one o'clock p. m. the succeeding day; and the hour to which it shall recess shall be stated in the motion.

RULE 100. The Senate may adjourn from day to day but shall not adjourn for more than two days, Sunday excluded, without the consent of the House, or to any place other than that in which the two Houses shall be in session. (Sec. 14, Art. 2, Const.)

RULE 101. A motion to adjourn shall be in order at any time, except while a member is addressing the Senate, or while a vote is being taken, but cannot be made except by a Senator who has been recognized by the President; and being decided in the negative shall not again be entertained until some motion, call or order shall have been acted upon.

POSTPONEMENT.

RULE 102. A motion to postpone to a time certain, or indefinitely, being decided, shall not again be allowed at the same stage of the question.

RULE 103. If a motion to indefinitely postpone a bill or resolution be carried, such bill or resolution shall be declared lost.

RULE 104. A bill or resolution postponed to a time certain shall not be considered at an earlier time, except upon the vote of two-thirds of the Senators elected.

PREVIOUS QUESTION.

RULE 105. A motion for the previous question shall be entertained only upon the demand of three Senators. The President shall put the question in this form: "The question is, 'Shall the debate now close?'" and until decided it shall preclude further debate and all amendments and motions, except one motion to adjourn, one motion to take a recess, one motion to lie on the table and one call of the Senate.

RULE 106. All incidental questions, or questions of order, arising after the demand for the previous question is made, shall be decided without debate, and shall not be subject to appeal.

RULE 107. After the demand for the previous question has been sustained no call or motion shall be in order, but the Senate shall be brought to an immediate vote, first upon the pending amendments in the inverse order of their age, and then upon the main question.

RULE 108. Agreement to a motion to reconsider a vote on a main question shall not revive the previous question but the matter shall be subject to amendment and debate.

RECONSIDERATION.

RULE 109. A motion to reconsider a vote may be made only by a senator who voted with the prevailing side, and such motion, to be in order, must be made within the next two calendar days of actual session of the Senate, after such vote was taken, and the same shall take precedence of all other questions except a motion to adjourn.

RULE 110. The vote on any question may be reconsidered by a majority of those voting, a quorum being present, except in case of the failure of a bill or resolution, in which case the motion shall not prevail unless it receive the number of affirmative votes which would be required to pass such bill or resolution.

RULE 111. A motion to reconsider having been decided, shall not again be entertained unless the question has been changed in form by amendment.

RULE 112. Consideration of a motion to reconsider may be postponed to a time certain.

RULE 113. A motion to reconsider action on a bill, joint resolution or other paper that may have gone out of the possession of the senate, shall be entertained if made within the time specified in Rule 109, but such motion shall not be voted on until the bill, joint resolution or paper has been returned to the Senate, when the question on reconsideration shall immediately arise.

RULE 114. When a motion to reconsider is laid upon the table, it shall not carry the bill or resolution with it.

PRIVILEGES.

RULE 115. During the daily sessions of the Senate, no person shall be admitted within the railing except members of the two houses, their officers and employes in the performance of their duties, or persons charged with messages or papers for the Senate; clergymen, by invitation of the President; the Governor of this or any other state, and representatives of newspapers who have been granted the privileges of the Senate.

RULE 116. Representatives of the press desiring the privileges of the floor of the Senate shall make application to the president of the Senate and shall state in writing for what paper or papers they are employed; and shall further state that they are not engaged in the prosecution of claims pending before the general assembly and will not become so engaged while allowed the privileges of the floor; and that they are not in any sense the agents or representatives of persons or corporations having legislation before the general assembly, and will not become either while retaining their privileges. Visiting news-writers and editors may be allowed, temporarily, the privileges herein mentioned but they must conform to the restrictions prescribed.

The applications required by the above rule shall be authenticated in a manner that shall be satisfactory to the executive committee of the Press Correspondents' Association, who shall see that the privileges of the floor be granted only to representatives of the press association serving daily newspaper clients, representatives of Columbus newspapers and bona fide telegraphic correspondents of reputable standing in their profession, who represent daily newspapers; and it shall be the duty of the executive committee of the Press Correspondents' Association, at its discretion, to report violations of the privileges herein granted, to the president of the Senate.

Persons whose chief attention is not given to newspaper correspondence shall not be entitled to the privileges of the floor.

RULE 117. Upon complaint, in writing made by any member of the Senate, addressed to the President, that any reporter or stenographer so admitted, has abused the privileges granted him under the preced-

ing rule, such complaint shall be referred to the Standing Committee on Privileges and Elections for investigation, and such committee shall notify the person so charged of the time and place for hearing, and if such accusation be sustained, such person or persons, upon the report of the committee, shall be debarred from the privileges theretofore granted.

RULE 118. No smoking shall be permitted in the Chamber while the Senate is in session.

DUTIES OF OFFICERS.

RULE 119. The Clerk shall keep an index record of all bills and resolutions introduced or offered in both branches, showing the number, title and author of each measure, the section sought to be amended or repealed and the subject or matter affected thereby. Such index record shall be accessible to Senators at all times when the Senate is in session.

RULE 120. The printing and distribution of bills, resolutions, reports and all other documents belonging to the senate shall be under the direction and control of the Clerk, who shall have supervision of the clerks and stenographers, prescribe their duties and fix their hours of employment. The Clerk shall keep a record of the attendance, during the session, of his assistants and the stenographers, and for each day's absence of any of them, without leave previously having been obtained from the Clerk, shall deduct for such absense the amount of compensation allowed such clerk or stenographer by law or resolution.

RULE 121. The assistant sergeants-at-arms, pages, door-keepers and porters shall report to and be under the direction of the Sergeant-at-Arms, who shall assign their duties and fix their hours of employment; the Sergeant-at-Arms shall keep a record of the attendance of those under his direction and if any of them absents himself from duty without leave of the Sergeant-at-Arms, the latter shall report such absence to the Clerk of the Senate, whose duty it shall be to deduct for each day's absence the amount of compensation allowed such employe by law or resolution.

RULE 122. The use of the Senate Chamber shall not be granted at any time, by resolution or otherwise, for any other than legislative purposes, except by unanimous consent of the Senate.

OF THE RULES.

RULE 123. These rules shall not be altered except after at least one day's notice of the intention of alteration; and no rule shall be suspended, except by a two-thirds vote of the Senate.

RULE 124. Cushing's Law and Practice of Legislative Assemblies shall be received as authority in all cases not provided for in the Senate rules or the joint rules of the Senate and House of Representatives.

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BILLS OF THE SENATE.

Number.	Author and Title.	Introduced—Read First Time.	Second Reading—Referred.	Reported.	Engrossed.	Third Reading.	Amended.	Passed.	Lost, or Indefinitely Postponed.	Action in House.	Enrolled.	Signed.
1	Mr. Green. Relating to the levying of taxes for highway, school and sinking fund purposes	13	13	19	19	19	.....	20	....	22	25	26
2	Mr. Howard. Providing for the annual levy of a tax for the State Highway improvement fund, and for the appropriation of money for said improvement fund	13	13	21	....	....	.....	....	21	....	....	....
3	Mr. Lloyd. To provide for the conservation of the oil, gas, coal and other minerals upon the school and ministerial lands of the state.....	18	18	22	23	23	22–23	23	....	24	26	26
4	Mr. Potting. To amend section 5630 of the General Code for the purpose of increasing the amount of taxable personal property to be exempt from taxation, and to repeal section 5360	19	....	....	....	....	.....	....	....	....	....	....

BILLS OF THE HOUSE OF REPRPSENTATIVES.

Number.	Author and Title.	First Reading.	Second Reading—Referred.	Reported.	Third Reading.	Passed.	Enrolled.	Signed.
1	Mr. Champan. To amend sections 17 and 18 of an act entitled, "An Act to further define the powers, duties and jurisdiction of the state liability board of awards with reference to the collection, maintenance and disbursement of the state insurance fund for the benefit of injured, and the dependents of killed employes and requiring contribution thereto by employers," passed February 26, 1913, approved March 14, 1913, and filed in the office of the Secretary of State, March 17, 1913, relating to the amount to be contributed to the insurance fund by the State and its several subdivisions	20	21	21	21	22	25	26

SENATE JOINT RESOLUTIONS.

Number.	Author and Title.	Offered.	Adopted.	Action in House.	Enrolled.	Signed.
1	Mr. Hudson. To notify the governor that the General Assembly is in session...	2	2	2	26	26

HOUSE JOINT RESOLUTIONS.

Number.	Author and Title.	Received in Senate.	Adopted.	Enrolled.	Signed.
1	Mr. Clark. Relative to notifying the governor the General Assembly is in session.....	3	.....	.....	.....
2	Mr. Kilpatrick. Relative to enrolling certain bills in typewriting.....	24	24	26	26
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Journal

of the

House of Representatives

of the

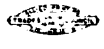
Eighteenth General Assembly

of the State of Ohio

Second Extraordinary Session

Monday, July 20, 1914

VOLUME CV



COLUMBUS, OHIO
THE F. J. HEER PRINTING CO.
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1914

HOUSE JOURNAL.

Hall of The House of Representatives, Columbus, Ohio,
Monday, July 20, 1914, ten o'clock a. m.

PROCLAMATION.

By virtue of the authority vested in me by the Constitution of the State of Ohio, I, James M. Cox, Governor of said State, do hereby require the Eightieth General Assembly of Ohio to convene at the State House, in Columbus, at 10:00 A. M., on Monday, July 20th, 1914, for the purpose of considering the question of reducing the State tax levies.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed at Columbus, this tenth day of July, in the year of our Lord, one thousand, nine hundred and fourteen.

JAMES M. COX,
Governor.

Pursuant to the foregoing proclamation, the members of the House of Representatives of the eightieth General Assembly met in the hall of the House this 20th day of July, A. D. 1914, at ten o'clock a. m. and were called to order by the speaker, Charles L. Swain.

Prayer was offered by the Reverend D. J. Starr, of Columbus.

The speaker ordered the clerk to read the proclamation of the governor, calling the second extraordinary session, which was done.

The speaker ordered the roll of the House to be called and 111 members answered to their names.

Those absent were: Messrs. Anderson, Barthelmeh, Bigelow, Crawford, Kilrain, Orrison, Wintermute.

On motion of Mr. Lowry further proceedings under the call were dispensed with.

Mr. Lowry offered **H. R. No. 1.**

Resolved, That a message be sent to the Senate informing that body that the House of Representatives is organized and ready for the transaction of business.

Mr. Lowry moved that the rules be suspended and the resolution be considered at once.

The motion was agreed to and the resolution was taken up.

The question was, "Shall the resolution be adopted?"

The resolution was adopted.

Mr. Clark offered **H. J. R. No. 1.**

Relative to appointment of a committee to notify the Governor that the general assembly is in session in obedience to his call.

Mr. Clark moved that the rules be suspended and the resolution be considered at once.

The motion was agreed to and the resolution was taken up.

The question was, "Shall the resolution be adopted?"

The yeas and nays were taken, and resulted—yeas 84, nays none, as follows:

Those who voted in the affirmative were: Messrs.

Acker,	Criswell,	Jackson,	Reighard,
Agler,	of Morrow,	Jenkins,	Reynolds,
Beatty,	Deaton,	Kathe,	Rhulman,
Behne,	Detrick,	Kennedy,	Schaefer,
Beyer,	Dickson,	Kessler,	Scott,
Bishop,	Diser,	Kilpatrick,	Shanley,
Black,	Donaldson,	King,	Siebert,
of Wyandot,	Duffey,	of Ashtabula,	Smith, of Butler,
Boggs,	Etling,	Kramer,	Smith, of Morgan,
Bonnell,	Fell,	Lambert,	Snyder,
Bour,	Fellinger,	Leist,	of Pickaway,
Brennan,	Foreman,	Lowry,	Terrell,
Brown, of Union,	Freeman,	Lustig,	Tetlow,
Cameron,	Fulton,	McCormick,	Thatcher,
Capelle,	Gilson,	Mills,	Thomas,
Carroll,	Guthery,	Morris,	Walsh,
Chapman,	Hastings,	Nungesser,	Warnes,
Clark,	Hite,	Nye,	Welsh,
Conover,	Hoffman,	Pence,	White,
Cowan,	Holl,	Plumb,	Williams,
Criswell,	Hoover,	Quinlisk,	Winans,
of Coshocton,	Horwitz,	Reid,	Winters,
			Young.

The resolution was adopted.

Mr. Ertel offered **H. R. No. 2.**

Resolved, That a committee of three be appointed to adjust the mileage of the members of the House.

Mr. Ertel moved that the rules be suspended and the resolution be considered at once.

The motion was agreed to and the resolution was taken up.

The question was, "Shall the resolution be adopted?"

The resolution was adopted and the speaker appointed as members of the committee, Messrs. Ertel, Criswell, of Coshocton, and Deaton.

A letter was read from Mrs. Peter J. Collins, thanking the members of the House for the payment to her of the salary of her late husband who had been a member of this General Assembly.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform you that the Senate has adopted the following Joint Resolution in which the concurrence of the House of Representatives is requested:

S. J. R. No. 1. To notify the Governor that the General Assembly is in session.

Attest: W. V. GOSHORN,
Clerk.

Mr. Lowry moved that the rules be suspended and the resolution be considered at once.

The motion was agreed to and the resolution was taken up.

The question was, "Shall the resolution be adopted?"

The yeas and nays were taken, and resulted — yeas 83, nays none, as follows:

Those who voted in the affirmative were: Messrs.

Acker,	Criswell,	Jenkins,	Rhulman,
Agler,	of Morrow,	Kathe,	Schaefer,
Beatty,	Deaton,	Kennedy,	Scott,
Behne,	Detrick,	Kessler,	Shanley,
Beyer,	Dickson,	Kilpatrick,	Siebert,
Bishop,	Donaldson,	King,	Smith, of Butler,
Black,	Duffey,	of Ashtabula,	Smith, of Morgan,
of Wyandot,	Ertel,	King, of Franklin,	Snyder,
Boggs,	Etling,	Kramer,	of Hamilton,
Bonnell,	Fell,	Lambert,	Snyder,
Bour,	Fellinger,	Leist,	of Pickaway,
Brennan,	Foreman,	Lowry,	Terrell,
Brown, of Union,	Freeman,	Lustig,	Tetlow,
Cameron,	Guthery,	McCormick,	Thatcher,
Capelle,	Hastings,	Mills,	Thomas,
Carroll,	Hite,	Morris,	Walsh,
Chapman,	Hoaglin,	Nungesser,	Warnes,
Clark,	Hoffman,	Nye,	Welsh,
Conover,	Holl,	Pence,	White,
Cowan,	Hoover,	Plumb,	Williams,
Criswell,	Horwitz,	Reighard,	Winans,
of Coshocton,	Jackson,	Reynolds,	Winters,
			Young.

The resolution was adopted.

The speaker appointed as members of the committee on the part of the House, Messrs. Lowry, Reid, Duffey, King, of Ashtabula, and Deaton.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform you that the Senate is in session and ready to transact business.

Attest: W. V. GOSHORN,
Clerk.

Mr. Ertel submitted the following report:

We, the undersigned select committee of three appointed pursuant to House Resolution No. 2 to ascertain and report mileage due members of the House of Representatives, beg leave to submit the following report:

Name.	*County.*	*Miles.*	*Amount Due Each Week.*
Acker	Hocking	50	$2 00
Agler	Stark	123	4 92
Anderson	Greene	62	2 48
Appenzeller	Darke	96	3 84
Barthelmeh	Tuscarawas	85	3 40
Beatty	Hamilton	120	4 80
Behne	Williams	186	7 44
Beyer	Hancock	78	3 12
Bigelow	Hamilton	120	4 80
Bishop	Summit	134	5 36
Black	Hamilton	120	4 80
Black	Wyandot	65	2 60
Boggs	Belmont	150	6 00

Name.	*County.*	*Miles.*	*Amount Due Each Week.*
Bonnell	Guernsey	87	3 48
Bour	Seneca	90	3 60
Brennan	Cuyahoga	138	5 52
Brown	Ashland	108	4 32
Brown	Union	18	72
Cameron	Defiance	170	6 80
Capelle	Hamilton	120	4 80
Carroll	Franklin	...	....
Chapman	Montgomery	76	3 04
Clark	Hamilton	120	4 80
Colter	Lucas	123	4 92
Conover	Champaign	48	1 92
Cooper	Mahoning	180	7 20
Cowan	Putnam	127	5 08
Crawford	Monroe	140	5 60
Criswell	Coshocton	81	3 24
Criswell	Morrow	45	1 80
Davis	Geauga	171	6 84
Deaton	Miami	79	3 16
Detrick	Logan	55	2 20
Dickson	Washington	170	6 80
Diser	Mahoning	180	7 20
Donaldson	Sandusky	97	3 88
Doster	Cuyahoga	138	5 52
Duffey	Lucas	123	4 92
Ertel	Clermont	90	3 60
Etling	Wayne	108	4 32
Fell	Muskingum	65	2 60
Fellinger	Cuyahoga	138	5 52
Foreman	Van Wert	150	6 00
Freeman	Belmont	150	6 00
Fulton	Licking	33	1 32
Gilson	Jefferson	172	6 88
Guthery	Marion	64	2 56
Hastings	Noble	93	3 72
Hite	Perry	40	1 60
Hoaglin	Paulding	162	6 48
Hoffman	Hamilton	120	4 80
Holl	Auglaize	100	4 00
Hoover	Warren	95	3 80
Horwitz	Meigs	133	5 32
Hunter	Knox	60	2 40
Jackson	Clark	45	1 80
Jenkins	Madison	18	72
Kathe	Ross	50	2 00
Kemerer	Carroll	150	6 00
Kennedy	Allen	125	5 00
Kessler	Adams	185	7 40
Kilpatrick	Trumbull	170	6 80
Kilrain	Cuyahoga	138	5 52
King	Ashtabula	192	7 68

Name.	*County.*	*Miles.*	*Amount Due Each Week.*
King	Franklin	...	....
Kramer	Richland	80	3 20
Lambert	Jackson	80	3 20
Leist	Pike	87	3 48
Lowry	Henry	165	6 60
Lustig	Cuyahoga	138	5 52
McCormick	Gallia	118	4 72
McGuffey	Hardin	70	2 80
Mills	Cuyahoga	138	5 52
Morris	Fairfield	32	1 28
Mueller	Montgomery	70	2 80
Murphy	Preble	100	4 00
Nungesser	Crawford	59	2 36
Nye	Lucas	123	4 92
Orlikowski	Cuyahoga	138	5 52
Orrison	Franklin	...	....
Pence	Highland	105	4 20
Plank	Medina	131	5 24
Plumb	Delaware	23	92
Quinlisk	Shelby	85	3 40
Reid	Fayette	40	1 60
Reighard	Fulton	157	6 28
Reppert	Hamilton	120	4 80
Reynolds	Franklin	...	....
Rhulman	Vinton	78	3 12
Robinson	Lawrence	128	5 12
Schaefer	Cuyahoga	138	5 52
Schweikert	Hamilton	120	4 80
Scott	Harrison	133	5 32
Shanley	Portage	145	5 80
Siebert	Franklin	...	....
Smith	Butler	103	4 12
Smith	Morgan	89	3 56
Snyder	Hamilton	120	4 80
Snyder	Pickaway	27	1 08
Stivers	Brown	175	7 00
Swain	Hamilton	120	4 80
Sweeney	Cuyahoga	138	5 52
Terrell	Cuyahoga	138	5 52
Tetlow	Columbiana	168	6 72
Thatcher	Clinton	60	2 40
Thomas	Wood	113	4 52
Venus	Huron	115	4 60
Vollmer	Cuyahoga	138	5 52
Walsh	Cuyahoga	150	6 00
Warnes	Holmes	100	4 00
Welsh	Ottawa	148	5 92
White	Columbiana	173	6 92
Williams	Lorain	164	6 56
Winans	Lake	179	7 16
Wintermute	Mercer	102	4 08

Name.	*County.*	*Miles.*	*Amount Due Each Week.*
Winters	Erie	111	4 44
Woodworth	Athens	76	3 04
Young	Cuyahoga	138	5 52

Respectfully submitted,

EARL E. ERTEL,
D. W. CRISWELL,
VAN S. DEATON.

The question was, "Shall the report of the committee be agreed to?"

The yeas and nays were taken, and resulted — yeas 84, nays none, as follows:

Those who voted in the affirmative were: Messrs.

Acker,	Criswell,	Horwitz,	Reid, of Fayette,
Agler,	of Coshocton,	Jackson,	Reighard,
Beatty,	Criswell,	Kathe,	Reynolds,
Behne,	of Morrow,	Kennedy,	Rhulman,
Beyer,	Deaton,	Kessler,	Schaefer,
Bishop,	Detrick,	Kilpatrick,	Scott,
Black,	Dickson,	King,	Shanley,
of Hamilton,	Diser,	of Ashtabula,	Siebert,
Black,	Donaldson,	King, of Franklin,	Smith, of Butler,
of Wyandot,	Duffey,	Kramer,	Smith, of Morgan,
Boggs,	Ertel,	Lambert,	Snyder,
Bonnell,	Etling,	Leist,	of Pickaway,
Bour,	Fell,	Lowry,	Terrell,
Brennan,	Fellinger,	Lustig,	Thatcher,
Brown, of Union,	Freeman,	McCormick,	Thomas,
Cameron,	Fulton,	Mills,	Walsh,
Capelle,	Guthery,	Morris,	Warnes,
Carroll,	Hastings,	Murphy,	Welsh,
Chapman,	Hite,	Nungesser,	White,
Clark,	Hoaglin,	Nye,	Williams,
Conover,	Hoffman,	Pence,	Winans,
Cowan,	Holl,	Plumb,	Winters,
	Hoover,	Quinlisk,	Young.

The report was agreed to.

The speaker granted leave of absence to Mr. Anderson and Mr. Barthelmeh on account of sickness.

Three messages from the governor were received, read and ordered printed in the appendix to the journal.

Mr. Lowry moved that the matter contained in the several messages be referred to the proper committees.

The motion was agreed to and the speaker referred the subjects as follows:

Taxation, to the committee on Taxation.

Amendment to Workmen's Compensation Act, to the committee on Labor.

Leasing state lands, to the committee on Public Buildings and Lands.

The following bill was introduced and read the first time:

H. B. No. 1—Mr. Chapman.

To amend sections 17 and 18 of an act entitled: "An Act to further define the powers, duties and jurisdiction of the state liability board of

awards with reference to the collection, maintenance and disbursement of the state insurance fund for the benefit of injured, and the dependents of killed employes and requiring contribution thereto by employers, and to repeal sections 1465-42, 1465-43, 1465-45, 1465-46, 1465-53, 1465-54, 1465-55, 1465-56, 1465-57, 1465-58, 1465-59, 1465-60, 1465-61, 1465-62, 1465-63, 1465-64, 1465-65, 1465-66, 1465-67, 1465-68, 1465-69, 1465-70, 1465-71, 1465-72, 1465-73, 1465-74, 1465-75, 1465-76, 1465-77, 1465-78, 1465-79 of the General Code," passed February 26, 1913, approved March 14, 1913 and filed in the office of the Secretary of State March 17, 1913, relating to the amount to be contributed to the insurance fund by the State and its several subdivisions.

Mr. Chapman moved that the rules be suspended and **H. B. No. 1** be referred at once to committee.

The motion was agreed to and **H. B. No. 1** was referred to the committee on Labor.

The following bill was introduced and read the first time:

H. B. No. 2—Mr. Reid.

To amend Section 6859-1 of the General Code providing for the annual levy of a tax for the State Highway improvement fund, and for the appropriation of money for said improvement fund.

Mr. Reid moved that the rules be suspended and said bill be referred at once to committee.

The motion was agreed to and **H. B. No. 2** was referred to the committee on Taxation.

Mr. Mueller offered **H. R. No. 3.**

WHEREAS, This House of Representatives of the Eightieth General Assembly of the State of Ohio has heard with profound sorrow and regret of the death since its last session of Honorable Victor J. Vonder Heide, of Dayton, one of the representatives of Montgomery County in this assembly; and

WHEREAS, In his death the people of his county have lost a sincere friend and conscientious representative and the state of Ohio an honest, honorable and patriotic citizen; therefore be it

Resolved by the House of Representatives, That we honor and cherish the memory of the late Mr. Vonder Heide and express to his family and friends our deep and lasting sympathy and our sorrow that he can no longer meet with us in our deliberations; and

Resolved, As a further evidence of our respect to his memory this resolution be spread upon the journal of the House and that a copy be engrossed and transmitted to the family of the deceased.

Mr. Mueller moved that the rules be suspended and the resolution be considered at once.

The motion was agreed to and the resolution was taken up.

The question was, "Shall the resolution be adopted?"

The resolution was adopted.

On motion of Mr. Chapman the House recessed until two o'clock p. m.

Two o'clock p. m.

The House met pursuant to recess.

Mr. Reid offered **H. R. No. 4.**

Be it resolved by the General Assembly of the State of Ohio:

WHEREAS, It appears from the reports of the treasurer of state that the expenditures for the state for the year 1912 were $13,122,180.63 and for the year 1913 were $14,697,184.67, an increase of $1,575,004.04; and

WHEREAS, It is stated in the public prints that the expenditures for the year 1914 will exceed those of 1913 by more than $2,000,000 and that the total will amount to more than $16,500,000; and

WHEREAS, It is proposed to reduce the state tax levy for the common schools 3/10 of one mill and make up the deficit of more than $2,000,000 thereby created in that fund by making transfer of sufficient amounts from the general revenue fund to the common school fund; and

WHEREAS, The members of this House are entitled to be fully informed as to the exact facts both as to the receipts and expenditures in the state's revenues in order that they may vote intelligently upon a question of such importance that the governor has seen fit to call us in an extraordinary session; therefore

Be it resolved, That the auditor of state and the treasurer of state be and they are hereby requested and directed to report to this House without delay statements showing the receipts and expenditures of the state's revenues for the fiscal years 1912 and 1913 and of the present fiscal year to and including June 30, 1914;

That such reports be so classified as to show the total receipts in each separate state fund for each such year and part of a year and the increase or decrease in such fund as compared with the corresponding period of the preceding year or part of a year.

That such reports be so classified as to show the total expenditures of the various departments of the state for each department for each such year and part of a year, and the increase or decrease of expenditures in each department as compared with the corresponding period of the preceding year or part of a year.

Mr. Reid moved that the rules be suspended and the resolution be considered at once.

The motion was disagreed to and the resolution was laid over under the rules.

Mr. Chapman submitted the following report:

The standing committee on Labor to which was referred **H. B. No. 1** —Mr. Chapman, having had the same under consideration, reports it back and recommends its passage:

PERCY TETLOW,
O. B. CHAPMAN,
W. B. KILPATRICK,
HARRY F. VOLLMER,
F. B. FELL,
FRANK P. LAMBERT,
JOHN C. HOFFMAN.

The report was agreed to.

Mr. Chapman moved that the rule requiring bills after being reported back from committee to be placed on the calendar for second reading for the second day following be suspended and that the constitutional rule

requiring bills to be read fully on three different days be dispensed with and **H. B. No. 1**—Mr. Chapman be engrossed at the clerk's desk and read the second time.

The motion was agreed to and **H. B. No. 1** was taken up and read the second time.

The question was, "Shall the bill be read the third time?"

The bill was ordered read the third time.

On motion of Mr. Chapman the rule requiring bills to be referred to the committee on Phraseology and the constitutional rule requiring bills to be read fully on three different days were dispensed with and **H. B. No. 1** was read the third time.

The question was "Shall the bill pass?"

The yeas and nays were taken, and resulted — yeas 96, nays 1, as follows:

Those who voted in the affirmative were: Messrs.

Acker,	Criswell,	Kessler,	Schweikert,
Agler,	of Morrow,	Kilpatrick,	Scott,
Beatty,	Davis,	King,	Shanley,
Behne,	Deaton,	of Ashtabula,	Siebert,
Beyer,	Dickson,	King, of Franklin,	Smith, of Butler,
Bishop,	Diser,	Kramer,	Snyder,
Black,	Donaldson,	Lambert,	of Hamilton,
of Hamilton,	Doster,	Leist,	Snyder,
Black,	Duffey,	Lowry,	of Pickaway,
of Wyandot,	Etling,	Lustig,	Stivers,
Boggs,	Fell,	McGuffey,	Sweeney,
Bonnell,	Fellinger,	Mills,	Terrell,
Bour,	Foreman,	Morris,	Tetlow,
Brennan,	Freeman,	Mueller,	Thatcher,
Brown,	Fulton,	Murphy,	Thomas,
of Ashland,	Gilson,	Nungesser,	Venus,
Brown, of Union,	Hastings,	Orlikowski,	Vollmer,
Cameron,	Hite,	Pence,	Walsh,
Capelle,	Hoaglin,	Plank,	Warnes,
Carroll,	Hoffman,	Plumb,	Welsh,
Chapman,	Hoover,	Reighard,	White,
Clark,	Horwitz,	Reppert,	Williams,
Cooper,	Hunter,	Reynolds,	Winans,
Cowan,	Jackson,	Rhulman,	Winters,
Criswell,	Jenkins,	Robinson,	Young.
of Coshocton,	Kennedy,	Schaefer,	

Mr. Nye voted in the negative.

The bill was passed.

The title was agreed to.

Mr. Diser offered **H. R. No. 5.**

Be it Resolved by the House of Representatives, that the auditor of state is hereby directed to furnish forthwith to the House of Representatives a detailed statement of the distribution of all money appropriated by the general assembly for flood sufferers and flood damages. That he also furnish the following information:

Amount of money now in the custody of the state treasurer to the credit of all funds, less the amount appropriated by the general assembly for the fiscal year; amount of money in general revenue fund less amount appropriated by the general assembly for current expenses of all departments or any other purpose for the year 1913.

Give the receipts and disbursements of the state for 1911, 1912 and 1913, also receipts and disbursements for the first six months in 1913 and 1914.

The resolution was laid over under the rule.

Mr. Doster offered **H. R. No. 6.**

Resolved, That the clerk of the House of Representatives is hereby authorized to audit and sign vouchers in payment of all claims against the House of Representatives incident to the Second Extraordinary Session of the Eightieth General Assembly.

Mr. Doster moved that the rules be suspended and the resolution be considered at once.

The motion was agreed to and the resolution was taken up.

The question was "Shall the resolution be adopted?"

The yeas and nays were taken, and resulted — yeas 101, nays none, as follows:

Those who voted in the affirmative were: Messrs.

Acker,	Criswell,	Kennedy,	Robinson,
Agler,	of Morrow,	Kessler,	Schaefer,
Beatty,	Davis,	Kilpatrick,	Schweikert,
Behne,	Dickson,	King,	Scott,
Beyer,	Diser,	of Ashtabula,	Shanley,
Bishop,	Donaldson,	King, of Franklin,	Siebert,
Black,	Doster,	Kramer,	Smith, of Butler,
of Hamilton,	Duffey,	Lambert,	Smith, of Morgan,
Black,	Ertel,	Leist,	Snyder,
of Wyandot,	Etling,	Lowry,	of Hamilton,
Boggs,	Fell,	Lustig,	Snyder,
Bonnell,	Fellinger,	McCormick,	of Pickaway,
Bour,	Foreman,	McGuffey,	Stivers,
Brennan,	Freeman,	Mills,	Sweeney,
Brown,	Fulton,	Morris,	Terrell,
of Ashland,	Gilson,	Murphy,	Tetlow,
Brown, of Union,	Guthery,	Nungesser,	Thatcher,
Cameron,	Hastings,	Orlikowski,	Thomas,
Capelle,	Hite,	Pence,	Venus,
Carroll,	Hoaglin,	Plank,	Vollmer,
Chapman,	Hoffman,	Plumb,	Walsh,
Clark,	Holl,	Quinlisk,	Warnes,
Colter,	Hoover,	Reid,	Welsh,
Cooper,	Horwitz,	Reighard,	White,
Cowan,	Jackson,	Reppert,	Williams,
Criswell,	Kathe,	Reynolds,	Winans,
of Coshocton,	Kemerer,	Rhulman,	Winters,
			Young.

The resolution was adopted.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform you that the Senate has passed the following bill:

S. B. No. 1. — Mr. Green.

To amend sections 6859-1 (being section 1 of an act entitled "an act providing a levy and to create a fund for the purposes provided in the act passed May 31st, 1911, entitled, 'an act creating a state highway department, defining the duties thereof and providing aid in the construction and maintenance of highways and to repeal certain sections of the General Code' approved June 9th, 1911, and for other purposes

defined therein." 103 O. L. 155) and 7575 of the General Code, relating to the levying of taxes for highway, school and sinking fund purposes. in which the concurrence of the House of Representatives is requested.

Attest: W. V. GOSHORN,
Clerk.

Said bill was read the first time.

On motion of Mr. King, of Ashtabula the rule requiring bills to be referred to committee before second reading and the constitutional rule requiring bills to be read fully on three different days were dispensed with and **S. B. No. 1.** was read the second time.

The question was, "Shall the bill be read the third time?"

Mr. Reid moved to refer the bill to a select Committee of One, with instructions to amend as follows:

After the word "annually" line 9 insert "after January 1st, 1915". After period in line 12 add — "An amount equal to three-tenths of one per cent of grand duplicate of personal and real property is hereby appropriated from any balance in general revenue fund of State to be used as State Highway fund by such department."

Strike out lines 13 to 19 inclusive. Strike out "and 7575" in line 20.

The question was, "Shall the motion of Mr. Reid be agreed to?"

The yeas and nays were taken and resulted — yeas 33, nays 69, as follows:

Those who voted in the affirmative were: Messrs.

Agler,	Freeman,	Pence,	Smith, of Morgan,
Bonnell,	Gilson,	Plank,	Stivers,
Brown, of Union,	Hastings,	Plumb,	Tetlow,
Capelle,	Hoover,	Reid,	Thatcher,
Conover,	Jackson,	Reighard,	White,
Cooper,	Jenkins,	Reynolds,	Williams,
Davis,	Kemerer,	Robinson,	Winans,
Deaton,	King, of Franklin,	Scott,	Woodworth.
Diser,			

Those who voted in the negative were: Messrs.

Acker,	Detrick,	Kessler,	Schaefer,
Appenzeller,	Dickson,	Kilpatrick,	Schweikert,
Beatty,	Donaldson,	King,	Shanley,
Behne,	Doster,	of Ashtabula,	Siebert,
Bishop,	Duffey,	Kramer,	Smith, of Butler,
Black,	Ertel,	Lambert,	Snyder,
of Hamilton,	Etling,	Leist,	of Hamilton,
Black,	Fell,	Lowry,	Snyder,
of Wyandot,	Foreman,	Lustig,	of Pickaway,
Boggs,	Fulton,	Mills,	Sweeney,
Brennan,	Guthery,	Morris,	Terrell,
Cameron,	Hite,	Mueller,	Thomas,
Carroll,	Hoaglin,	Murphy,	Venus,
Chapman,	Hoffman,	Nungesser,	Walsh,
Clark,	Holl,	Nye,	Warnes,
Cowan,	Horwitz,	Orlikowski,	Welsh,
Criswell,	Hunter,	Quinlisk,	Winters,
of Coshocton,	Kathe,	Reppert,	Young.
Criswell,	Kennedy,	Rhulman,	
of Morrow,			

The motion was disagreed to.

The question recurred: "Shall the bill be read the third time?"

The bill was ordered read the third time.

On motion of Mr. King, of Ashtabula, the rule requiring bills to be referred to the committee on Phraseology and the constitutional rule requiring bills to be read fully on three different days were dispensed with and **S. B. No. 1** was read the third time.

The question was, "Shall the bill pass?"

The yeas and nays were taken, and resulted—yeas 95, nays 11, as follows:

Those who voted in the affirmative were: Messrs.

Acker,	Criswell, of Morrow,	Kemerer,	Scott,
Appenzeller,	Deaton,	Kennedy,	Shanley,
Beatty,	Detrick,	Kessler,	Siebert,
Behne,	Dickson,	Kilpatrick,	Smith, of Butler,
Beyer,	Diser,	King, of Ashtabula,	Smith, of Morgan,
Bishop,	Donaldson,	King, of Franklin,	Snyder, of Hamilton,
Black, of Hamilton,	Doster,	Kramer,	Snyder, of Pickaway,
Black, of Wyandot,	Duffey,	Lambert,	Stivers,
Boggs,	Ertel,	Leist,	Sweeney,
Bour,	Etling,	Lowry,	Terrell,
Brennan,	Fell,	Lustig,	Tetlow,
Brown, of Ashland,	Fellinger,	McGuffey,	Thomas,
Cameron,	Foreman,	Mills,	Venus,
Capelle,	Freeman,	Morris,	Vollmer,
Carroll,	Fulton,	Mueller,	Walsh,
Chapman,	Gilson,	Murphy,	Warnes,
Clark,	Guthery,	Nungesser,	Welsh,
Colter,	Hastings,	Nye,	White,
Conover,	Hite,	Orlikowski,	Williams,
Cooper,	Hoaglin,	Pence,	Winans,
Cowan,	Hoffman,	Reppert,	Winters,
Criswell, of Coshocton,	Holl,	Reynolds,	Woodworth,
	Horwitz,	Rhulman,	Young.
	Hunter,	Schaefer,	
	Kathe,	Schweikert,	

Those who voted in the negative were: Messrs.

Agler,	Davis,	Plank,	Robinson,
Bonnell,	Jackson,	Reid,	Thatcher.
Brown, of Union,	Jenkins,	Reighard,	

The bill was passed.

The title was agreed to.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform you that the Senate has concurred in the passage of the following bill:

H. B. No. 1—Mr. Chapman.

To amend sections 17 and 18 of an act entitled: "An Act to further define the powers, duties and jurisdiction of the state liability board of awards with reference to the collection, maintenance and disbursement of the state insurance fund for the benefit of injured, and the dependents of killed employes and requiring contribution thereto by employers, and to repeal sections 1465-42, 1465-43, 1465-45, 1465-46, 1465-53, 1465-54, 1465-55, 1465-56, 1465-57, 1465-58, 1465-59, 1465-60, 1465-61, 1465-62, 1465-63, 1465-64, 1465-65, 1465-66, 1465-67, 1465-68, 1465-69, 1465-70, 1465-71, 1465-72, 1465-73, 1465-74, 1465-75, 1465-76, 1465-77, 1465-78,

1465-79 of the General Code," passed February 26, 1913, Approved March 14, 1913 and filed in the office of the Secretary of State March 17, 1913, relating to the amount to be contributed to the insurance fund by the State and its several subdivisions.

Attest: W. V. GOSHORN,
Clerk.

On motion of Mr. Lowry the House recessed until seven thirty o'clock p. m.

Seven thirty o'clock p. m.

The House met pursuant to recess.

Mr. Kilpatrick offered **H. J. R. No. 2**

Relative to enrolling certain bills in typewriting.

Mr. Kilpatrick moved that the rule requiring resolutions to lie over one day before consideration be suspended and the resolution be considered at once.

The motion was agreed to and the resolution was taken up.

The question was, "Shall the resolution be adopted?"

The yeas and nays were taken, and resulted—yeas 89, nays none, as follows:

Those who voted in the affirmative were: Messrs.

Acker,	Davis,	Kessler,	Scott,
Beatty,	Detrick,	Kilpatrick,	Shanley,
Behne,	Dickson,	King,	Siebert,
Beyer,	Diser,	of Ashtabula,	Smith, of Butler,
Bishop,	Donaldson,	King, of Franklin,	Smith, of Morgan,
Black,	Doster,	Kramer,	Snyder,
of Hamilton,	Duffey,	Lambert,	of Hamilton,
Black,	Etling,	Leist,	Snyder,
of Wyandot,	Fell,	Lowry,	of Pickaway,
Boggs,	Fellinger.	Lustig,	Stivers,
Bonnell,	Foreman,	McGuffey,	Sweeney,
Bour,	Freeman,	Morris,	Terrell,
Brennan,	Guthery,	Murphy,	Thatcher,
Brown,	Hite,	Nungesser,	Thomas,
of Ashland,	Hoaglin,	Orlikowski,	Venus,
Brown, of Union,	Hoffman,	Pence,	Walsh,
Cameron,	Holl,	Plank,	Warnes,
Capelle,	Hoover,	Plumb,	Welsh,
Carroll,	Horwitz,	Reighard,	White,
Chapman,	Hunter,	Reppert,	Williams,
Clark,	Jenkins,	Reynolds,	Winans,
Colter,	Kathe,	Rhulman,	Winters,
Cowan,	Kemerer,	Schaefer,	Young.
Criswell,	Kennedy,	Schweikert,	
of Coshocton,			

The resolution was adopted.

Mr. Snyder, of Pickaway, offered **H. J. R. No. 3.**

Relative to adjournment.

Mr. Snyder, of Pickaway, moved that the rule requiring resolutions to lie over one day before consideration be suspended and the resolution be considered at once.

The motion was agreed to and the resolution was taken up.

The question was, "Shall the resolution be adopted?"

The yeas and nays were taken, and resulted—yeas 70, nays none, as follows:

Those who voted in the affirmative were: Messrs.

Acker,	Deaton,	Lowry,	Scott.
Agler,	Detrick,	Lustig,	Shanley,
Beatty,	Diser,	McCormick,	Siebert,
Beyer,	Doster,	McGuffey,	Smith, of Morgan,
Bishop,	Duffey,	Mills,	Snyder,
Black,	Etling,	Mueller,	of Hamilton,
of Wyandot,	Guthery,	Murphy,	Snyder,
Bour,	Hoaglin,	Nungesser,	of Pickaway,
Brennan,	Hoffman,	Nye,	Sweeney,
Brown,	Horwitz,	Orlikowski,	Terrell,
of Ashland,	Hunter,	Pence,	Tetlow,
Brown, of Union,	Kathe,	Plank,	Thatcher,
Cameron,	Kessler,	Quinlisk,	Venus,
Capelle,	Kilpatrick,	Reighard,	Vollmer,
Chapman,	King,	Reppert,	White,
Clark,	of Ashtabula,	Reynolds,	Williams,
Colter,	King, of Franklin,	Rhulman,	Winters,
Cooper,	Kramer,	Schaefer,	Young.
Cowan,	Leist,	Schweikert,	

The resolution was adopted.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform you that the Senate has passed the following bill:

S. B. No. 3—Mr. Lloyd.

To provide for the conservation of the oil, gas, coal and other minerals upon the school and ministerial lands of the state, and to amend sections 3209-1, 3210, 3214, 3222, 3232 and 3233 of the General Code, and to enact new sections to be known as Sections 3211-1 and 3229-1 of the General Code.

in which the concurrence of the House of Representatives is requested.

Attest: W. V. GOSHORN,
Clerk.

Said bill was read the first time.

On motion of Mr. Bour, the rule requiring bills to be referred to committee before second reading and the constitutional rule requiring bills to be read fully on three different days were dispensed with and **S. B. No. 3** was read the second time.

The question was, "Shall the bill be read the third time?"

The bill was ordered read the third time.

On motion of Mr. Bour, the rule requiring bills to be referred to the committee on Phraseology and the constitutional rule requiring bills to be read fully on three different days were dispensed with and **S. B. No. 3** was read the third time.

The question was, "Shall the bill pass?"

The yeas and nays were taken, and resulted—yeas 83, nays 6, as follows:

Those who voted in the affirmative were: Messrs.

Agler,	Deaton,	King,	Schaefer,
Beatty,	Detrick,	of Ashtabula,	Schweikert,
Behne,	Dickson,	Kramer,	Scott,
Beyer,	Diser,	Lambert,	Shanley,
Bishop,	Donaldson,	Leist,	Siebert,
Black,	Doster,	Lowry,	Smith, of Butler,
of Wyandot,	Duffey,	Lustig,	Snyder,
Boggs,	Etling,	McCormick,	of Hamilton,
Bonnell,	Fell,	McGuffey,	Snyder,
Bour,	Foreman,	Mills,	of Pickaway,
Brennan,	Guthery,	Morris,	Sweeney,
Brown,	Hastings,	Mueller,	Terrell,
of Ashland,	Hite,	Murphy,	Tetlow,
Brown, of Union,	Hoaglin,	Nungesser,	Thatcher,
Cameron,	Hoffman,	Orlikowski,	Venus,
Capelle,	Holl,	Pence,	Vollmer,
Chapman,	Horwitz,	Plank,	Warnes,
Clark,	Hunter,	Plumb,	Welsh,
Cowan,	Kathe,	Quinlisk,	Williams,
Criswell,	Kemerer,	Reighard,	Winters,
of Coshocton,	Kennedy,	Rhulman,	Woodworth,
Criswell,	Kessler,	Robinson,	Young.
of Morrow,	Kilpatrick,		

Those who voted in the negative were Messrs, Acker, Black, of Hamilton, Cooper, Davis, Freeman, Smith, of Morgan.

The bill was passed.

Thereupon by direction of the speaker, upon section 6 being the emergency section, the yeas and nays were taken, and resulted — yeas 84, nays 9, as follows:

Those who voted in the affirmative were: Messrs.

Acker,	Criswell,	Kennedy,	Scott,
Agler,	of Morrow,	Kessler,	Shanley,
Beatty,	Deaton,	Kilpatrick,	Siebert,
Behne,	Detrick,	King,	Smith, of Butler,
Beyer,	Dickson,	of Ashtabula,	Snyder,
Bishop,	Donaldson,	Kramer,	of Hamilton,
Black,	Doster,	Lambert,	Snyder,
of Wyandot,	Duffey,	Leist,	of Pickaway,
Boggs,	Ertel,	Lowry,	Stivers,
Bonnell,	Etling,	Lustig,	Sweeney,
Bour,	Fell,	McCormick,	Terrell,
Brennan,	Fellinger,	McGuffey,	Thatcher,
Brown,	Foreman,	Morris,	Thomas,
of Ashland,	Guthery,	Mueller,	Venus,
Brown, of Union,	Hastings,	Murphy,	Vollmer,
Cameron,	Hite,	Nungesser,	Walsh,
Capelle,	Hoaglin,	Orlikowski,	Warnes,
Colter,	Hoffman,	Plank,	Welsh,
Conover,	Holl,	Quinlisk,	Winans,
Cooper,	Horwitz,	Reighard,	Winters,
Cowan,	Hunter,	Rhulman,	Woodworth,
Criswell,	Kathe,	Schaefer,	Mr. Speaker.
of Coshocton,	Kemerer,	Schweikert,	

Those who voted in the negative were: Messrs.

Clark,	Freeman,	Mills,	Robinson,
Davis,	King, of Franklin,	Plumb,	Young.
Diser,			

The emergency section was adopted.

The title of the bill was agreed to.

The following message was received from the Senate:

Mr. Speaker: I am directed to inform you that the Senate has concurred in the adoption of the following joint resolutions:

H. J. R. No. 2. — Mr. Kilpatrick.

Relative to enrolling certain bills in typewriting.

H. J. R. No. 3. — Mr. Snyder, of Pickaway.

Relative to adjournment.

Attest: W. V. GOSHORN,
Clerk.

Mr. Carroll submitted the following report:

The joint committee on Enrollment has examined and found correctly enrolled, the following bills and joint resolutions:

H. B. No. 1. — Mr. Chapman.

To amend sections 17 and 18 of an act entitled: "An act to further define the powers, duties and jurisdiction of the state liability board of awards with reference to the collection, maintenance and disbursement of the state insurance fund for the benefit of injured, and the dependents of killed employes and requiring contribution thereto by employers, and to repeal sections 1465-42, 1465-43, 1465-45, 1465-46, 1465-53, 1465-54, 1465-55 1465-56, 1465-57, 1465-58, 1465-59, 1465-60, 1465-61, 1465-62, 1465-63, 1465-64, 1465-65, 1465-66, 1465-67, 1465-68, 1465-69, 1465-70, 1465-71, 1465-72, 1465-73, 1465-74, 1465-75, 1465-76, 1465-77, 1465-78, 1465-79 of the General Code." passed February 26, 1913, approved March 14, 1913 and filed in the office of the Secretary of State March 17, 1913, relating to the amount to be contributed to the insurance fund by the State and its several subdivisions.

S. B. No. 1. — Mr. Green.

To amend sections 6859-1 (being section 1 of an act entitled "An act providing a levy and to create a fund for the purposes provided in the act passed May 31st, 1911, entitled, 'an act creating a state highway department, defining the duties thereof and providing aid in the construction and maintenance of highways and to repeal certain sections of the General Code' approved June 9th, 1911, and for other purposes defined therein." 103 O. L. 155) and 7575 of the General Code, relating to the levying of taxes for highway, school and sinking fund purposes.

S. B. No. 3. — Mr. Lloyd.

To provide for the conservation of the oil, gas, coal and other minerals upon the school and ministerial lands of the state, and to amend sections 3209-1, 3210, 3214, 3222, 3232 and 3233 of the General Code, and to enact new sections to be known as Sections 3211-1 and 3229-1 of the General Code.

S. J. R. No. 1. — Mr. Hudson.

To notify the governor that the General Assembly is in session.

H. J. R. No. 2. — Mr. Kilpatrick.

Relative to enrolling certain bills in typewriting.

H. J. R. No. 3. — Mr. Snyder of Pickaway.

Relative to adjournment.

JAS. T. CARROLL,
FRANK W. THOMAS,
WALTER G. AGLER,
E. C. WOODWORTH.
WM. GREEN,
J. E. HOLDEN,
VINCENT ZMUNT,

The report was agreed to.

The speaker of the House, in the presence of the House, signed said bills and joint resolutions.

The journal of today was read and approved.

On motion of Mr. Lowry and under the provisions of **H. J. R. No. 3.** the House adjourned sine die. at nine o'clock p. m.

Attest: JOHN R. CASSIDY,
Clerk.

APPENDIX

to the

Journal

of the

House of Representatives

Eightieth General Assembly

of the State of Ohio

SECOND EXTRAORDINARY SESSION

COMMENCING

MONDAY, JULY 20, 1914

ROSTER OF THE HOUSE OF REPRESENTATIVES.

OFFICERS OF THE HOUSE OF REPRESENTATIVES.

Position.	Name.	Residence.
Speaker	Charles L. Swain	Cincinnati, Ohio.
Speaker pro tempore	J. H. Lowry	Napoleon, Ohio.
Clerk	John R. Cassidy	Bellefontaine, Ohio.
Assistant Clerk	E. A. Grabiel	Oxford, Ohio.
Journal Clerk	Charles H. Beck	Logan, Ohio.
Message Clerk	Harold D. Sites	Ashland, Ohio.
Engrossing Clerk	H. L. Rebrassier	Louisville, Ohio.
Bill Clerk	James B. Lewis	Rocky River, Ohio.
Sergeant-at-arms	W. L. Mechling	Wapakoneta, Ohio.
First Assistant Sergeant-at-arms	William C. Ries	Kenton, Ohio.
Third Assistant Sergeant-at-arms	Thurman Thompson	Columbus, Ohio.

MEMBERS OF THE HOUSE OF REPRESENTATIVES.

County.	Name.	Pol.	P. O. Address.	Profession or Occupation.
Adams	J. R. B. Kessler	D	Peebles	Attorney.
Allen	R. R. Kennedy	D	Spencerville	Attorney.
Ashland	W. M. Brown	D	Ashland	Farmer.
Ashtabula	W. S. King	D	Ashtabula	Physician.
Athens	E. C. Woodworth	R	Athens	Editor.
Auglaize	Geo. W. Holl	D	New Knoxville	Manufacturer.
Belmont	E. N. Boggs	D	Barton	Merchant.
Belmont	James A. Freeman	R	Martins Ferry	Contractor.
Brown	E. B. Stivers	D	Sardinia	Farmer and Lawyer.
Butler	Culbertson J. Smith	D	Hamilton	Lawyer.
Carroll	Harry R. Kemerer	R	Carrollton	Publisher.
Champaign	Chas. D. Conover	R	Urbana	Farmer.
Clark	W. O. Jackson	R	Springfield	Locomotive Eng'n'r.
Clermont	Earl E. Ertel	D	Loveland	Broker.
Clinton	Oliver J. Thatcher	R	Wilmington	Teacher.
Columbiana	Percy Tetlow	R	Washingtonville	Miner.
Columbiana	Chas. A. White	R	Lisbon	Carpenter.
Coshocton	D. M. Criswell	D	Plainfield	Physician.
Crawford	M. G. Nungesser	D	Galion	Farmer and Teacher.
Cuyahoga	Lawrence Brennan	D	Cleveland	Retired.
Cuyahoga	Geo. F. Doster	D	Cleveland	Contractor and Builder.
Cuyahoga	Herman Fellinger	D	E. Cleveland	Mgr. Insurance Co.
Cuyahoga	Frank J. Kilrain	D	Cleveland	Attorney.
Cuyahoga	Jos. Lustig	D	Cleveland	Attorney.
Cuyahoga	Don P. Mills	D	Cleveland	Attorney.
Cuyahoga	Bernard Orlikowski	D	Cleveland	Paving Contractor.
Cuyahoga	Henry L. Schaefer	D	Cleveland	Insurance.
Cuyahoga	Martin L. Sweeney	D	Cleveland	Clerk.
Cuyahoga	Virgil J. Terrell	D	Cleveland	Attorney.
Cuyahoga	Harry Vollmer	D	Cleveland	Machinist.
Cuyahoga	Michael J. Walsh	D	So. Newburg	Farmer.
Cuyahoga	Stephen M. Young	D	Cleveland	Attorney.
Darke	C. Appenzeller, Jr.	D	Greenville	Farmer and Contr.
Defiance	Robt. B. Cameron	D	Jewell	Physician.
Delaware	G. M. Plumb	R	Galena	Teacher.
Erie	Cyrus P. Winters	R	Sandusky	Attorney.
Fairfield	Geo. M. Morris	D	Lancaster	Supt. Schools.
Fayette	C. A. Reid	R	Washington C. H.	Attorney.
Franklin	James T. Carroll	D	Columbus	Publisher.
Franklin	Louis R. Siebert	D	Columbus	Cigar Maker.
Franklin	Chas. A. Orrison	D	Hilliard	Automobile Dept.
Franklin	John R. King	R	Columbus	Attorney.
Franklin	Richard R. Reynolds	R	Columbus	Carpenter.
Fulton	Frank H. Reighard	R	Wauseon	Retired.
Gallia	Chas. H. McCormick	R	McCormick	Farmer.
Geauga	W. R. Davis	Prog.	Chardon	Attorney.
Greene	S. C. Anderson	R	Xenia	Farmer.
Guernsey	T. A. Bonnell	R	Cambridge	Attorney.
Hamilton	Wm. G. Beatty	D	Cincinnati	Whole. Cigar Bus.
Hamilton	Herbert S. Bigelow	D	Cincinnati, Mt. Washington	Minister.
Hamilton	Robert Black	D	Cincinnati	Attorney.
Hamilton	J. R. Clark	D	Cincinnati	Attorney.
Hamilton	W. H. Schweikert	D	Cincinnati	Attorney.
Hamilton	John C. Hoffman	D	Cincinnati	Solicitor.
Hamilton	Frank H. Reppert	D	Silverton	Attorney.
Hamilton	Thornton R. Snyder	D	Cincinnati	Attorney.
Hamilton	Chas. L. Swain	D	Hartwell	Attorney.
Hamilton	Louis H. Capelle	R	Cincinnati	Attorney.
Hancock	Andrew A. Beyer	D	Arlington	Farmer.
Hardin	Wm. C. McGuffey	D	McGuffey	Farmer.
Harrison	L. H. Scott	R	Cadiz	Retired.
Henry	J. H. Lowry	D	Napoleon	Farmer.
Highland	G. G. O. Pence	R	Hillsboro	Farmer.
Hocking	W. H. Acker	D	Logan	Printer.
Holmes	M. A. Warnes	D	Millersburg	Farmer.
Huron	C. P. Venus	D	Norwalk	Insurance.
Jackson	Frank P. Lambert	D	Wellston	Carpenter.
Jefferson	John F. Gilson	R	Irondale	School Teacher.
Knox	N. H. Hunter	D	Buckeye City	Grain Merchant.
Lake	J. V. Winans	R	Madison	Physician.
Lawrence	Alfred Robinson	R	Ironton	Druggist.
Licking	W. D. Fulton	D	Newark	Attorney.
Logan	Guy Detrick	D	Bellefontaine	Teacher.
Lorain	S. H. Williams	R	Lorain	Attorney.
Lucas	Warren J. Duffey	D	Toledo	Attorney.
Lucas	W. T. Colter	Prog.	Toledo	Locomotive Engr.
Lucas	James Nye	Prog.	Toledo	Attorney.

MEMBERS OF THE HOUSE OF REPRESENTATIVES — Concluded.

County.	Name.	Pol.	P. O.-Address.	Profession or Occupation.
Madison	M. J. Jenkins	R	Plain City	Physician.
Mahoning	John G. Cooper	R	Youngstown	Locomotive Engr.
Mahoning	Oscar E. Diser	R	Youngstown	Attorney.
Marion	Isaac S. Guthery	D	Larue	Farmer.
Medina	F. M. Plank	R	Medina	Merchant.
Meigs	Louis Horwitz	D	Pomeroy	Merchant.
Mercer	G. J. C. Wintermute	D	Celina	Physician.
Miami	Van S. Deaton	R	Alcony	Physician.
Monroe	G. S. Crawford	D	Graysville	Farmer.
Montgomery	O. B. Chapman	D	Dayton, R. F. D. 4	Decorator.
Montgomery	E. R. Mueller	D	Dayton	Attorney.
Morgan	Chas. B. Smith	R	Malta	Hardware Dealer.
Morrow	J. Chas. Criswell	D	Mt. Gilead	Farmer.
Muskingum	Frank B. Fell	D	Zanesville	Merchant.
Noble	Homer L. Hastings	R	Caldwell	Contractor.
Ottawa	Smith L. Welsh	D	Oak Harbor	Traveling Salesman.
Paulding	Geo. M. Hoaglin	D	Payne	Professor.
Perry	Wm. A. Hite	D	Thornville	Attorney.
Pickaway	Irvin F. Snyder	D	Circleville	Attorney.
Pike	Geo. Leist, Jr.	D	Beaver	Hardware Merchant.
Portage	J. J. Shanley, Sr.	D	Kent, R. F. D.	Telegraph Operator.
Preble	Wm. E. Murphy	D	Eaton, R. F. D. 9	Farmer.
Putnam	John Cowan	D	Ottawa	Insurance Agent.
Richland	John F. Kramer	D	Mansfield	Attorney.
Ross	Bernard H. Kathe	D	Chillicothe, R. F. D.	Farmer.
Sandusky	H. N. Donaldson	D	Bellevue	Dentist.
Seneca	R. R. Bour	D	Tiffin	Accountant.
Shelby	Martin Quinlisk	D	Sidney	Farmer.
Stark	Walter G. Agler	R	Canton	Deputy Clk. Courts.
Summit	Ed. H. Bishop	D	Akron	Traveling Salesman.
Trumbull	W. B. Kilpatrick	D	Warren	Attorney.
Tuscarawas	Fred Barthelmeh	D	Baltic	Insurance.
Union	Chas D. Brown	R	Plain City, R. F. D.	Farmer.
Van Wert	Clark M. Foreman	D	Willshire	Insurance Agent.
Vinton	W. A. Rhulman	D	Hamden	Locomotive Engr.
Warren	T. E. Hoover	R	Lebanon	Farmer.
Washington	W. M. Dickson	D	Flints Mill	Physician.
Wayne	Alton H. Etling	D	Orrville	Supt. Schools.
Williams	William Behne	D	Bryan	Editor.
Wood	Frank W. Thomas	D	Bowling Green	Publisher.
Wyandot	Samuel J. Black	D	Upper Sandusky	Supt. Water Works.

State of Ohio,
Executive Department,
Office of the Governor,
Columbus.

To the General Assembly:

Developments in the general fiscal and taxation affairs of the State suggest to me the necessity and propriety of convening your honorable body in special session. The State laws provide a levy of taxes for certain specific purposes. This tax rate was determined by the amount of money needed for these functions, and the size of the total State tax duplicate, the condition of the State treasury also being an element in the calculation, since draft on the general revenue fund is provided under certain contingencies.

The State tax duplicate has assumed such proportions, however, under the recent change in the methods of listing property, and the financial condition of the Commonwealth is so favorable, that the rate carried by the State levy cannot, with justification, be imposed this year.

To needlessly assess taxes from the communities is so repugnant to every idea of public policy that the small financial cost of bringing you together, and the personal inconvenience occasioned the members, are considerations vastly outweighed, I feel assured, both by the relief that can be afforded the people and the spirit of patriotism that possesses your honorable body.

I therefore submit for your determination in this message the sole question of reducing the State tax levy.

If it is diminished, then the weight of taxation will not only be reduced on our households and industries, but spur will be given by the State government to the moral sense which in its awakening is demanding lower tax rates in every taxing subdivision in Ohio. Never in our history has so much attention been given to the general subject of taxation as now; and nothing can be more helpful to the welfare of our people than the present discussion which is going on everywhere within our borders. Not only is the real economic meaning of taxation and its relation to social and governmental life to be better understood as a result, but the moral aspect of the subject will leave so deep an impression that our taxation policies in the future will be a surer guarantee of the equality of rights under our institutions of government. It is not surprising that we should at this time be in the midst of an economic development that has excited and held general interest. It is purely evolutionary. It is not only the inevitable result of a better day universally in government, but the readjustment in large part comes from an internal movement that began long ago in Ohio. The cycle of events to which it joins dates back to the early eighties in Ohio's history. At that time the unfair and inefficient system of listing property for taxation led to serious consequences in the fiscal affairs of the State. It was the practice then to support the State departments, in large part, by direct taxation. Under date of April 6, 1886, Governor Joseph B. Foraker sent a special message to the General Assembly in which the very first words were these: —

"The financial condition of the State needs attention."

He recommended that the State issue bonds to the limit of the constitutional authority — $750,000 — for the purpose of paying current expenses. But the significance of that document was the analysis of conditions existent then. Governor Foraker submitted this observation as a striking symptom of governmental disorder: —

> "In 1883 the value for taxation of the personal property of the State, as shown by the grand duplicate, was $543,207,121. In 1884 it shrank to $528,298,871, and for 1885 dwindled again to $509,913,986. This loss has been made up largely by the steady growth of the valuation of real estate on account of new structures, etc., but the loss was greater than the increase last year, and the result is shown in the fact that the grand aggregate of all the property of the State, both real and personal, amounted in 1885 to but $1,670,079,868, against $1,673,774,081 for 1884, or a loss of $3,694,213."

The moral phase of the situation was presented in these words: —

> "The idea seems to prevail * * * that there is no harm in cheating the State, although to do so a false return must be made and perjury must be committed. This offense against the State and good morals is too frequently committed by men of wealth and reputed high character and of corresponding position in society."

Certain excise taxes were suggested, and it was urged that a revaluation of all property be made at once "instead of waiting for the next decennial valuation of 1890." It was further recommended that a State Board of Equalization, consisting of eight members, be appointed "to supervise, as well as revise and equalize the valuations to be made." The essence of the whole situation at that time was epitomized in the words: —

> "It is also thought men so selected will have the interests of the whole State more in mind than if they should be elected to represent some particular district or locality, in which case experience has shown they are too apt to act as though their highest duty was to secure the lowest possible valuation for their respective constituents. It is further recommended that in all cities having a board of tax commissioners it be made the duty of such board to appoint all the assessors and appraisers. It is confidently believed that if such legislation can be secured as is here attempted to be indicated, the tax duplicate can be so increased as to approximate our real worth, and that valuations can be so equalized as to secure uniformity and justice for the whole State."

When Governor Foraker, under date of January 4, 1887, presented his regular message to the Legislature the financial emergency was so pressing that he reminded that body again of what he believed should be done in the way of taxation reform. His earnest conviction with reference to the real remedy is shown in the following excerpt from his message: —

> "The further recommendation is also repeated that the assessors of personal property be appointed in all cities. The recommendation is confined to cities because the constitution requires the election of all township officers."

The fiscal condition of the State was such that the public mind remained more or less centered on taxation reforms, and what was known as the Massie Committee, headed by Senator D. Meade Massie, of Chillicothe, was appointed under the provisions of a Senate Joint Resolution, adopted March 24, 1888. The preamble ran: —

> "There is a manifest need of and demand for a revision of our present system of taxation."

This committee in its investigation immediately sensed the basic fundamental defect, and in its report the same kind of comparisons of personal returns in the large and small counties that we are now so familiar with, was set forth. That the trouble then was the same as that corrected by the Warnes Law enacted in this State a year ago is plainly shown by the following declaration by the legislative committee: —

> "We have tried to secure a better class of assessors by extending their terms of office and increasing their pay. We have tried to compel them to do their duty faithfully by placing them under a more binding oath, larger bonds, and greater penalties for malfeasance or misfeasance. We have tried to improve the form of the tax list and to compel each person to actually swear to his list. We do not know what more can be done to secure full and fair returns of personal property, moneys, and credits."

Abuses continued despite the fact that the public intelligence recognized the injustice of things, and matters had not been improved by the passage of the Tax Inquisitor Law, the operations of which brought scandals that shocked the sensibilities of the people. The processes of public opinion, however, went on, and in 1893 the administration of Governor William McKinley was historically attached to the taxation subject. The commission appointed by him, in its personnel and performance made a deep impression on the thought of the State. It recommended the appointment of a State Tax Commission, to which the listing of public utilities would be assigned; and the appointment of assessors.

The records next disclose the administration of Governor Andrew L. Harris in an effort to provide relief from taxation abuses. A commission was named, and it recounted the evils so well known now. It ably submitted recommendations in which Governor Harris joined. Meanwhile, excise taxes had been imposed by law, and the State government was removed, in some degree, from a condition of constant financial stress. This in some measure delayed the final remedial legislation, but the report of the McKinley Commission was a vital thing, even though action on its suggestion was not taken while he served as the State Executive. The apparent influence of public utility companies in making possible, returns more or less grotesque, in local subdivisions brought a new irritant to the situation, and Governor Harmon renewed the discussion of the subject and it became a leading feature of his admin-

istration. The State Tax Commission was formed, and its service in listing public utilities soon demonstrated the wisdom of the plan. The McKinley Commission had shown that in 1892 the entire valuation of railroad property was but $105,600,000; while the horses of the State were listed for almost half that amount.

An important thing in the whole development of the subject of taxation was the passage of the Smith One Per Cent Law, which carried a limitation on the tax rate within the subdivisions of the State. It had the double purpose of enforcing economy, and by the reduced rate, of bringing intangible property from hiding. The result was disappointing in the last named particular, however, as evidenced by the decline in listed intangible property of twelve million dollars in 1912. That Governor Harmon, as the advocate of the Smith One Per Cent Law, recognized as a necessary buttress and protection to that measure, the abolition of the system of electing assessors, is shown by his last message to the Legislature January 6, 1913, in which he said, speaking of the Smith Law: —

> "The unfortunate failure of the Edwards Bill at the last session has prevented, thus far, full enjoyment of the result in view. The work of elective ward and township assessors has proved a failure in Ohio and elsewhere. That bill proposed to substitute for these and for city boards of review a deputy tax commissioner in each county to act under direction of the State Commission, with power to employ the necessary assistants."

This review shows how the intelligence and patriotism of the State persisted through three decades, dominated at all times by the lofty ideal of so shaping our laws as to distribute the burdens of government equitably. It is also worthy of note that every serious attempt to bring about a remedy was along the same lines.

The effort to press into the public mind the idea that the appointment of assessors is a mere caprice of the present day, conceived for some ulterior purpose, is both futile and reprehensible. The assessor who did his duty was never re-elected. That is the history of the old plan everywhere. Now in full and open frankness, man to man, can Ohioans, citizens of a great State, deny that the desire to elect assessors, wherever it remains lodged, is coupled with the knowledge that these officers always entered upon their duties under a sense of more or less intimidation? The vote of the property holder was in the assessor's mind, and human nature, with its delinquencies, permitted the selfish consideration to enter first in his mental attitude towards his labors. Is it creditable, is it worthy of a great people, to try to convince ourselves that a sublime principle has been violated, when, as a matter of truth, the controlling thought is to withhold our vote for selfish, if not ignoble, purposes? How often has it ever been charged that people were overassessed? In that very remote contingency there is ample facility for protection against a wrong. The prevailing complaint is that too many individuals and interests have not been paying their share of taxes, and ordinarily the offender has been the artful person, skilled and resourceful in human eventualities, the very sort of an individual who was influential in his ward or township, and his known power was strongly suggestive to the assessor. Under the operations of the new law, the Standard Oil Company, without protest, submitted to an increase

in Hancock County this year of ten million dollars — the value of ten average townships in the State. The plain meaning of this is that the farmers in ten townships have in the past been paying a large part of this company's taxes. In a large city a man whose name was never on the tax duplicate before was listed this year for $600,000 in Standard Oil stock. The average return by home owners in the working man's districts of that city is $1,000; so that six hundred workmen have been paying this man's taxes for years — paying the policeman to guard him at night — paying the fire department that protected the roof under which he slept. This is more than injustice — it is a crime; and it is high time such practices came to an end in this State. The commission of William McKinley after stating plainly that the system was indefensible and intolerable, centered its energies on two basic recommendations: —

First: The appointment of a State Tax Commission which should value public utilities and control the taxing policy of the State in order to render the system uniform, as the constitution provides; and

Second: The appointment of the assessors.

In May, 1910, the first recommendation was adopted in the Act creating the Tax Commission of Ohio and giving to that commission supervision over the assessment of real estate and original jurisdiction in the assessment of the property of public utilities. As a result the grand real estate duplicate of the State was increased from $1,656,944,631 in 1910 to $4,418,953,299 in 1913 — an increase of $2,762,008,668; Public Utilities were increased from $226,226,043 in 1910 to $1,058,231,780 in 1913 — an increase of $832,005,737; and banks were increased from $80,742,115 in 1910 to $184,232,970 in 1913 — an increase of $103,490,855.

The situation in taxing affairs when the present administration came into being was as follows:

There had been an adequate assessment of the property of public utilities and banks and of real estate, all of which was done under the supervision of the Tax Commission of Ohio. There had been made an increase of four billion dollars in these classes of property. When the present administration came into power the personal property of individuals and the property of incorporated companies were the only classes of property in this State that were not listed by the Tax Commission, or under its supervision. So that while the four billions of dollars increase to real estate, public utilities and banks had brought about a reduction in tax rates, the owners of individual property and incorporated companies shared in that reduction without having increased their valuations proportionately.

The Warnes Law was enacted primarily to extend the jurisdiction of the Tax Commission to the assessment of the two classes of property which had theretofore been inadequately assessed, and to give to the commission an adequate means of securing the desired results by providing for the appointment of local assessors instead of their election — all the work under the direct supervision of the commission, and it having power to prescribe uniform rules for the assessment of local property.

While the commission's records are not complete as to the assessment for 1914, the returns from seventeen of the small rural counties show an increase in the valuation of moneys, credits, and investments in stock and bonds over 1913 of $21,990,223, or a gain slightly in ex-

cess of forty-seven per cent. The principal gain in these items, will, of course, be from the larger counties, from which few returns have been received.

Here is the way this increase was made:

The State Commission was able to secure close co-operation between the district officials in the eighty-eight counties — something impossible except under the centralized authority plan; mortgages were copied and exchanged, lists of taxable securities, with the names and addresses of holders, were distributed, and from this source approximately $100,000,000 of taxable values were secured. There was also an interchange of other useful information. The commission kept in constant touch with the work in the counties; district assessors required daily reports of the work from their deputies; and the district assessors reported weekly to the Tax Commission. In addition, three traveling examiners inspected the work for the purpose of verifying reports and to give assistance. In this manner the commission was able to secure uniformity in the assessment of the several classes of personal property in the various counties.

While the information in the possession of the commission at this time is not complete enough to make an accurate statement as to the amount of the tax duplicate for the year 1914, yet it believes that the duplicate which will be handed to the county treasurers on the first of October, 1914. will be from $900,000,000 to $1,000,000,000 more than that of 1913, and this increase will be principally in the intangible property of individuals and the property of incorporated companies.

Under this law the commission has authority to prescribe the number of districts, the number of men and their salaries, and the wisdom of that is shown by the records, which disclose that 1,966 deputies listed real estate and personal property for 1914, and the last time that both classes of property were assessed under the old elective system, there were 3,415 assessors in the field to assess personal property and 2,465 to list real estate, a total of 5,880 as compared to 1,966 this year. The figures presented to the Tax Commission by the various county auditors show that it cost $1,777,958 to make the last quadrennial appraisement of real estate under the old system; in 1912 the sum of $596,881 was expended for listing personal property. The Tax Commission is authority for the statement that the work will be done this year for approximately one million dollars less.

One of the reasons for the great reduction in the number of persons listing property that has been made this year is disclosed in the following figures:

In Hamilton County in 1913 there were 413 assessors last year as against 83 this year.

In Franklin County there were 93 assessors last year as compared to 34 this year.

In Montgomery County there were 64 assessors last year as compared to 33 this year.

In the City of Toledo there were 91 assessors last year as compared to 20 this year.

In the City of Cleveland there were 170 assessors last year as compared to 40 this year.

That a change in the method of listing property came at a propitious moment no one will deny, who studies the significance of events without prejudice. If the Warnes Law had not been installed this year,

the Smith One Per Cent Tax Law would have been destroyed, or a number of Ohio cities would have hopelessly defaulted on their obligations. There is no escape from this opinion in the light of present facts, and this not only reveals the moral but the economic aspects of the new law. It was pointed out by every scientific survey made in the State for years past that the rural communities were making a fairer return of property for taxation than the cities. Since a State levy was made for universities and other purposes, it can be seen to what extent the element of unfairness entered in these contrasted practices as between the cities and rural communities. If there had been no State levy, then it would not have been a matter of State concern what the cities did — measured by the ethical code only — but there is now presented an entirely new situation. The cities have been so lax and inefficient in the listing of property under the old moribund system that a serious condition of affairs exists in most municipalities — particularly the larger ones. The growth of the cities has entailed vast necessities in the extension of public works and the installation of new utilities. That wealth has increased also, cannot be denied, and yet the tax duplicates do not show the proportionate increase that they should, the result being that many cities have borrowed money to pay current bills, while in some instances bonds have been sold for the same purpose. Confronted with the limitations in the tax rate on the one hand and the cost of local government increasing vastly greater than the duplicate has grown, on the other, there was either an enforced fracture of the One Per Cent Law or municipal bankruptcy as a certain eventuality.

Fortunately, the Warnes Law averts a crisis.

As a matter of very grave interest to the State, and bearing pertinently and directly on the question of municipal distress, it is deemed fitting to present an exhibit of conditions in some of the Ohio cities. If a private concern were compelled to pay every year on its debt a sum approaching fifty per cent of its income, it would not long remain out of the hands of a receiver, and yet, official statistics disclose this deplorable condition in many places. The following municipalities are paying yearly in interest and sinking fund charges, the percentage of their gross tax revenue, as indicated: —

Columbus	Franklin County	50%
Toledo	Lucas County	52%
Dayton	Montgomery County	48%
Akron	Summit County	42%
Newark	Licking County	64%
Norwood	Hamilton County	45%
Alliance	Stark County	43%
Findlay	Hancock County	47%
Massillon	Stark County	44%
Piqua	Miami County	41%
Ironton	Lawrence County	42%
Tiffin	Seneca County	48%
Fremont	Sandusky County	40%
Fostoria	Seneca County	47%
Barberton	Summit County	60%
Delaware	Delaware County	48%
Salem	Columbiana County	41%
Niles	Trumbull County	52%
Bellefontaine	Logan County	60%

Norwalk	Huron County	46%
Wellsville	Columbiana County	48%
Defiance	Defiance County	52%
Washington C. H.	Fayette County	40%
Wellston	Jackson County	43%
Ashland	Ashland County	56%
Sidney	Shelby County	61%
Wooster	Wayne County	53%
Nelsonville	Athens County	50%
Troy	Miami County	43%
St. Marys	Auglaize County	50%
Athens	Athens County	65%
Wapakoneta	Auglaize County	71%
Ravenna	Portage County	57%
Bowling Green	Wood County	41%
Delphos	Allen County	67%
St. Bernard	Hamilton County	50%

Only those cities carrying 40% or more are shown. No matter to what length the principle of home rule for cities may be adopted, certainly the State is concerned in the solvency and financial good faith of municipalities, so that there is reason for much felicitation that through the sovereign power of the State, a tax law has been devised that averts financial chaos in many of our cities. It is not denied that in a number of instances municipalities have permitted suits to be brought by creditors and judgments to be given by the courts. This results in a tax rate in excess of the prescribed ten mill limitation. Some contend, and doubtless with ample propriety, that in many instances the municipal expense is due in part to extravagance and caprice, but federal reports show a prevailing increase in the cost of cities in other states.

A reduction in the State tax rate is rendered possible this year because we have an intelligent and efficient tax listing system. Courageous performance of duty by the listing officers — a thing unknown under the elective system — has resulted in hundreds of millions of dollars in personal property going on the duplicate this year for the first time. That every diagnosis of the past was sound, is demonstrated by the vastly greater increase in personal property in the cities. In Montgomery County the increase on personal property in the townships is 17%. In the city of Dayton is it 100%.

In Miami County the increase on real estate is less than one per cent, while stocks and bonds increased 170%, credits 30-6/10%, and money 33-3/10%.

In Allen County real estate increased 7-4/10%, credits 224%, and stocks and bonds 208%.

In Licking County, real estate increased 3-2/10%, moneys 39½%, credits 46½%, stocks and bonds, 276%.

In Delaware County, real estate increased less than 1%, moneys 32%, credits 26½%, stocks and bonds 36%.

In Portage County, real estate increased 1-9/10%, moneys 24-7/10%, credits 8-8/10%, stocks and bonds 8288-7/10%.

In Cuyahoga County the personal duplicate, exclusive of public utilities, banks and incorporated companies, increased 671%.

The work of listing property in the State for taxation having been practically concluded, we should now dedicate our efforts to the all-important task of conveying to the people the relief a beneficial system makes possible. The State should take the lead in the reduction of the tax rate, depending upon a vigilant public opinion to compel the same action in the counties, municipalities and townships. With a duplicate showing an increase of approximately one billion dollars, and with a substantial reduction in the State rate, then the rate should be cut in every subdivision of the State. If needy in the return of property for taxation should be rewarded by a like careful regard for prudent expenditures by those in public station. That there is an awakened conscience in the State on the subject of taxation is undenied, and it should not be stilled by a policy of disinvestment that can find no justification in business or ethics. The work of listing property listed must be maintained as renders a reduction in the local rates, an apparently easy matter, reflects the efficiency of the assessing officials. The rate of tax is determined in the counties by officers elected by the people. In counties where a municipality has a property duplicate larger than the rest of the county the budget officers are the Mayor, the City Solicitor and the County Auditor. In all other counties the President of the Board of Education in the largest city serves instead of the prosecutor. It would seem that the least local subdivisions should do in the reduction of rates is to save the cut made by the State and provide for emergencies out of the increased duplicate. Nothing but an admittedly grave exigency would seem to justify a rate as high as that imposed in 1914. If there is any disposition in localities to ignore the plain command implied by the augmented duplicate, then an outraged public sentiment doubtless will result in such changes in the law as will afford effective checks. The desire not to cripple municipalities, and the belief that considerable dependence can be placed in local officials doing their manifest duty, have been the deterring influence in the matter of reforming the budget laws at this time. Many believe that it is unwise, if not unscientific also, to give three local officials plenary power in the making of the tax rate within the limitations of the Smith One Per Cent Law, and there is a sentiment quite wide-spread and insistent that their powers be restricted in some degree. As experience is the safest refinery, it is doubtless advisable to let this matter go over to the next session of the General Assembly, when it will be easier to determine what change, if any, should be made. The Legislature when last assembled authorized the appointment of a committee to report to the Eighty-First General Assembly on the expediency of a newly established fiscal relation as between the State and local governments. It is highly probable that experience will have demonstrated the wisdom of providing that budget commissions shall first levy for essentials. The law now provides that a levy be made initially for interest and sinking fund charges. If this were supplemented with a further stipulation that the public health, school, police and fire protection services should come next, and what remains inside the limitations be devoted to utilities less essential, the result would doubtless be very helpful to the community's welfare.

There is an amazing measure of misapprehension with reference to the real purpose and intent of the State tax levy. It is made by act of the Legislature and consists of the following items:

Sinking Fund	.0335	mills
Common School	.3350	"
University	.0925	"
Highway	.5000	"
Total	.9610	"

Not one dollar of money derived from the State levy goes into the general revenue fund of the State. Not a penny of it is used for the conduct of the State departments. They are maintained by excise taxes levied on corporations and the liquor traffic for the most part.

The sinking fund item grows out of the provision made originally through an ordinance passed by Congress July 23, 1787. By it section 16 in each township was reserved for school purposes. It was a misfortune that this reservation was not made perpetual. Subsequently, in 1827, the State sold the lands and pledged itself to pay annually 6% on the amount so derived into the school fund. This aggregates about $240,000 and is paid over to the eighty-eight counties of the State.

The money derived from the common school levy is paid by the State Treasurer to the counties of the State on the base of two dollars for every enumerated child.

The university levy goes directly to the universities.

The good roads levy is disbursed entirely for the construction of a modern highway system in the State.

By both provision and practice, any deficiency in the sinking, common school or university funds is made up out of the general revenue fund of the State; so that the intention manifestly is that thought should first be given to the available funds in the treasury not needed for the current expenses of the State, and the amount of the levy should then be determined by this consideration. The State Treasury now has the largest surplus in its history and the State tax duplicate will be increased this year, on the authority of the Tax Commission of Ohio, approximately one billion dollars. It is my recommendation, therefore, that a new State levy be made up as follows:

Sinking Fund	.0025	mills
Common School	.0550	"
University	.0925	"
Highway	.3000	"
Total	.4500	"

The statement in some quarters that the schools will suffer by this plan either springs from ignorance or mischief. The State is pledged to pay the prescribed two dollars per enumerated unit. The schools will derive the same amount as if no change were made in the levy, and the university levy is not altered.

When the half-mill levy for good roads was imposed it was the thought that the State should not expend more than approximately three millions of dollars. I do not believe that the disbursements should exceed that figure for the reason that the highway department, in co-operation with counties and townships, can efficiently assimilate just so much work each year.

By cutting the rate to .4500 mills it will be seen that the saving to

the people in the new tax paying year, beginning December, 1914, will be approximately four million dollars. This reduction makes the State levy the lowest in the history of Ohio. In 1900 it was 2.84, or more than six times the levy now suggested. The new rate will be considerably less than the rate in force at the beginning of this administration, notwithstanding it will carry almost three million dollars a year for good roads, a project that was never provided for in any previous levy. It is all a distinct triumph for decency in taxation, and means much for the general welfare of our communities.

JAMES M. COX,
Governor.

July 20th, 1914.

State of Ohio,
Executive Department.
Office of the Governor.

Columbus, July 20, 1914.

To The General Assembly:

When the Compulsory Workman's Compensation Act of 1913 was passed, it was provided that employes of the State and of each county, city, incorporated village and other taxing sub-divisions, should come within the provisions of the law. This was suggested by the thought that the State, in compelling firms and individuals to provide compensation for their employes, could not consistently withhold the same consideration from public employes. It was provided that in 1914 and 1915 each sub-division should contribute to the State compensation fund 1% of the salary disbursements and that thereafter provision should be made as the average of accidents and our general experience under the law might suggest. The Industrial Commission advises me that the assessment made in 1914 is sufficient for the period ending January 1, 1919. Your honorable body is probably aware that reduction has been made by the Commission in the rates of practically all industrial classifications. Since it will be unnecessary to levy this assessment in 1915, the Industrial Commission suggests that the law be so changed as to make no payments after the current year, 1914, until such time as the Legislature may deem necessary. I earnestly recommend that this change be made in the law.

Very truly yours,
JAMES M. COX,
Governor of Ohio.

State of Ohio,
Executive Department,
Office of the Governor.
Columbus.

July 20, 1914.

To The General Assembly:

The Auditor of State, Hon. A. V. Donahey, presents what appears to be an emergency. For some time, with a zeal and intelligent effort which deserve the commendation of the State, the Auditor has been making a survey of conditions growing out of laws and practices re-

specting the school and ministerial lands within the State. The conditions which are revealed by his labors clearly suggest the propriety and the necessity of a law being enacted reserving to the State all mineral rights, and I respectfully recommend that the General Assembly make such provision and include all canal and State lands. The report of the Auditor is such an illuminating document on a subject which few people have known anything about that I deem it best to submit herewith in his own language.

THE HISTORY OF THE SCHOOL AND MINISTERIAL LANDS.

During the early history of the State, when the Congress of the United States was selling lands to various companies of associates, with a view to the settlement of the state, and in laying out of the various townships for general sale, it provided for the setting aside of one full section of land in each township for the purpose of providing a permanent source of support for the schools, and, in two of the great original tracts, one full section in each township for the support of religion therein.

These lands were placed in the hands of the state in trust, to be administered by the state for the purposes named. Most of these lands have been sold by the state and the proceeds placed in what is known as the irreducible debt of the state, the state obligating itself to pay six per cent. interest annually to the schools on the moneys so placed.

In parting with these trust lands the state has grieviously mismanaged the trust. Lands worth hundreds of thousands of dollars have been deeded by the State for a few thousand. For instance, in a recent investigation in one county, the Auditor's department disclosed that 160 acres of coal land were conveyed by the state for $420.00, and that the purchaser has since cleaned up on its six foot vein over $150,000.00. In another county, under an unconstitutional special act of the General Assembly, lands which for agricultural purposes were then selling at $10.00 per acre, were conveyed at $1.70 per acre by the state, and, when investigating a very recent certificate for a deed filed with the State Auditor, the latter discovered that these lands contained coal, the extent and quality of which is unknown, but which will presumably find a market in the next generation.

But there are about 87,405 acres still left in the hands of the state as trustee for the schools, and 3,000 acres as trustee for the fund to support religion.

Practically all of these lands are leased to tenants of the state for terms varying from one year to ninety-nine years. While these leases provide against waste and cover only the surface of the land, for generations, under the influence of laws that were evidently designed chiefly for the benefit of the tenants, and because of the lack of laws protecting the trust reposed by Congress in the state, the tenants have been committing waste to such an extent that the State Auditor's department has already uncovered losses amounting to over $1,000,000.00. Coal has been freely taken contrary to law, whole veins being exhausted; gas and oil have been drawn from these lands; timber of the finest virgin sort has been removed, thousands of acres of valuable timber lands being practically denuded. As the State Auditor has had no appropriation for a survey of these lands, and has been compelled to use an otherwise busy force to make investigations, he has but scratched the surface of these

abuses. Reports obtained from his own field agents and from county auditors disclose the fact, however, that there still remains several thousand acres of land in the hands of the state from which timber, oil, gas and coal have not been stolen.

The Auditor has already located 4,385 acres of school and ministerial lands, still owned by the state, which contain one and two veins of coal ranging in thickness from three to six feet, and of this, one county alone has 1,000 acres of land with two good veins, one being six feet thick. 640 acres of school lands are now producing 400 barrels of the highest grade oil per day. The state is deriving no benefit from this production of its own property, and is now appealing to the courts for equity. 640 acres of ministerial lands lie within a few hundred yards of producing oil wells. 860 acres of other school lands lie within close proximity to developed gas and oil fields, with a prospect that they also contain gas or oil. 250 acres of school lands are said to be underlaid with good iron ore.

Under the provisions of a recent act of the General Assembly, the Auditor is also executing leases for a second vein of coal in Hocking County, and for the second vein of coal in Vinton County, covering lands on which the first veins have been exhausted without the state deriving any benefit from its production, but the Auditor's ability to secure these leases is due to the fact that there is no trouble with the tenants of the surface and the proposed lessees are freely desirous to do justice to the schools of their state.

The question is, what shall be done with these valuable properties of the state, entrusted to its care for the benefit chiefly of the schools, intended to be a source of benefit to the children of the state, as a heritage for all time, for your children and mine, and their grandchildren, in order that education might, in the language of one of the early acts, be advanced as the basis of good morals and progress.

Under the present laws the trust is poorly protected in the following respects:

1. The tenants of the state have the privilege of surrendering their leases and obtaining deeds in fee simple from the state, by an antiquated proceeding, in which the state is not a party and has no right to intervene, in which the tenant may petition a court of common pleas, setting forth what he claims are the facts of his tenancy, and which petition, in practical effect, is accepted by the court as being in good faith, its allegations of fact are never inquired into, the court pro forma orders the appointment of the required appraisers, and these gentlemen apparently (at least in every case that we have investigated) making an appraisement of the land that is substantially its value as determined from twenty to forty years before the time that they appraise it.

Instances of this practice of appraisers so appointed may be cited as follows:

In appraising school lands recently in Hocking County, in several proceedings, the lands in question, 397.13 acres, were appraised for sale at $1,561.50, while the valuation for taxation, without improvements, was over $4,000.00.

In the foregoing cases the State Auditor and the Attorney General, while legally having no standing before the court, and actually unable to intervene with any right, yet, persuaded the tenants to pay at least a more reasonable price, and they secured an increase of the sale price to a total of $3,824.00. But in these cases, we have no doubt that, had

the tenants been stubborn, they might have secured their deeds by mandamus at the lower appraisement.

After the appraisers hand in their report to the court, it is customary for the court to confirm it, whereupon all that the tenant needs to do is to pay the county auditor the sum of the appraisement and secure a certificate for a deed from the state.

The petitioner may not have any title, yet he secures the deed. An instance of this may be cited in the case recently investigated (as an incident to the investigation of another matter) in Lawrence County, where a resident of that county, a squatter upon the school land (although he had paid rents for several years to the state) filed a petition as a lessee, obtained the order for appraisement and paid the nominal price fixed by the appraisers and secured a deed in 1894 from the state for lands that had valuable timber on them and contained a valuable vein of coal.

The petitioner may represent facts, that the law provides as a preliminary to the surrender and obtaining of a deed, which are false. For instance, in a recent case in Athens County, involving 136.78 acres, the petition recited that the requisite vote had been taken in the township, while there is absolutely no record of any such vote, yet the court, folowing the custom, accepted the petition as true, ordered the appraisement, and the petitioner obtained his certificate for a deed.

In all such cases the petitioner may not have been actuated by what the law terms fraudulent intent; being ignorant of the law, he may have thought, doing as he knew that others had been doing through generations, that he was not guilty of any technical fraud or bad faith, yet the proceedings were in fact illegal and no deeds should have been executed.

We do not hesitate to express the opinion that auditors in the past have innocently prepared and governors have signed deeds that were based upon fraudulent claims of facts, deeds that should never have been delivered, and that, in their execution, deprived the schools of the state of hundreds of thousands of dollars.

The remedy for this condition is to permit the auditor and attorney general to intervene in all proceedings of that character, to investigate the claims of the petitioner and determine whether he has in fact a right to the deed, and then, if the right exists, to see that the trust is safeguarded by the payment of the true value of the lands sought.

2. Even where proceedings to secure titles in fee to the tenants are safeguarded as suggested, there yet remains the objection that a large acreage containing minerals may be so secured by the tenants of the state at prices which cover only the surface value. This condition arises from two causes, first, that remoteness from transportation and markets gives to the mineral only a potential value at this time, and the laws covering the procedure do not admit of the taking of this potential value into consideration in making the appraisement. Second, the existence of these minerals in paying quantities has in many instances not been disclosed because there has not been any prospecting or near at hand development.

When the tenant of the state desires the fee simple title to the land, his only thought is that he desires it for agricultural purposes, that is for the same uses that he enjoys as a lessee. If his intention is different, if he seeks the fee because of the minerals on the land, he is endeavoring to obtain from the state something for nothing, that is, he expects to

secure the surface and the minerals for the price of the surface. As a matter of fact, this condition has been disclosed in recent cases.

While some applications for mineral leases have been filed, they cover but an infinitesimal portion of these lands. Meanwhile, interested operators and oil producers are awakening to the fact that it costs more to deal with the state for mineral leases than to have the tenants take advantage of the rather peculiar statutes under which they can surrender their leases and obtain the fee simple title.

Recent investigations disclose cases where interested corporations were paying the costs of the proceedings to surrender at ridiculously low prices, based on appraisements made forty years ago.

If, being the tenant of the state, entitled as such tenant to farm the surface, he desires the fee simple title, and he is honest in his expressed desire, then he can have no objection to a reservation by the state of all the minerals. He obtains what he desires, the state retains what it should conserve.

3. The administrative officers of the state have not sufficient power to protect its interest fully in cases where individuals and corporations have, without right, entered upon these lands and developed them for gas, oil and coal.

In cases where the property of the state is being wasted, its only present remedy is by ejectment, a proceeding which ties up the property, often for an extended time; meanwhile, producing oil or gas wells adjoining may be removing the potential product of the state's land, and exhausting the pool.

In cases where the state owns lands immediately adjoining gas and oil wells, its present inability to make a sufficient lease, prevents the development and production of its own property through leases to parties who would be willing to undertake the business and pay a royalty to the state.

A sufficient lease requires that the lessee be able to enter upon the surface for the purpose of prospecting, developing and producing. While the power of the state to execute a lease granting this easement should be vested in the leasing officer, we, of course, recognize the rights of the tenant of the surface, he should be paid his damages, but his tenancy should not stand between the state and its enjoyment of its reserved property in the minerals.

The forbearance of the executive and legislative branches of the state government with such wasteful administration of this great trust should cease. We have fallen heir to the laws as they were enacted in the past, but we need not permit them to remain as our expression of policy toward this trust.

The mineral lands of the state should be conserved for all time. It is the policy of the Federal Government to make reservation of all minerals underlying its vast domains, so that future generations shall profit by them. It is certainly desirable that the schools of this state should benefit by a like policy in Ohio.

Aside from the question of the trust being so administered that the full value of these lands and the minerals under them shall accrue to the schools and religious societies of the state, a broad economic policy would lead us to enact legislation reserving forever these minerals, and providing for their leasing under proper regulation and restrictions which would fully protect the state and give to its lessees sufficient power to drill, mine and operate under their leases.

If this is done, no harm will follow to the present tenants of the state. Their leases only cover the surface rights, and those rights may be fully protected by the state in the mineral leases which it might execute.

We also respectfully submit the urgency of this legislation. The act should be declared an emergency measure and given immediate effect, otherwise interested persons will obtain title pending the coming into operation of such an act.

Respectfully submitted,

JAMES M. COX,
Governor of Ohio.

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VI. Miscellaneous.

BILLS OF THE HOUSE OF REPRESENTATIVES.

Number.	Author and Title.	Introduction and First Reading.	Referred.	Reported.	Second Reading.	Third Reading.	Passed.	Action in Senate.	Enrolled and Signed.
1	Mr. Chapman. To amend sections 17 and 18 of an act entitled, "An act to further define the powers, duties and jurisdiction of the state liability board of awards with reference to the collection, maintenance and disbursement of the state insurance fund for the benefit of injured, and the dependents of killed employes and requiring contribution thereto by employers, and to repeal sections 1465-42, 1465-43, 1465-45, 1465-46, 1465-53, 1465-54, 1465-56, 1465-57, 1465-58, 1465-59, 1465-60, 1465-61, 1465-62, 1465-63, 1465-64, 1465-65, 1465-66, 1465-67, 1465-68, 1465-70, 1465-71, 1465-72, 1465-73, 1465-74, 1465-75, 1465-76, 1465-77, 1465-78, 1465-79 of the General Code," passed February 26, 1913, approved March 14, 1913 and filed in the office of the Secretary of State March 17, 1913, relating to the amount to be contributed to the insurance fund by the state and its several subdivisions	8	9	10	11	11	11	13	18
2	Mr. Reid. To amend section 6859-1 of the General Code providing for the annual levy of a tax for the State Highway improvement fund, and for the appropriation of money for said improvement fund	9	9	....	....	....	....	....	....

BILLS OF THE SENATE.

Number.	Author and Title.	Received—Read First Time.	Second Reading.	Third Reading.	Passed.	Enrolled and Signed.
1	Mr. Green. To amend sections 6859-1 (being section 1 of an act entitled "an act providing a levy and to create a fund for the purposes provided in the act passed May 31st, 1911, entitled, 'an act creating a state highway department, defining the duties thereof and providing aid in the construction and maintenance of highways and to repeal certain sections of the General Code' approved June 9th, 1911, and for other purposes defined therein." 103 O. L. 155) and 7575 of the General Code, relating to the levying of taxes for highway, school and sinking fund purposes.	13	13	14	14	18
3	Mr. Lloyd. To provide for the conservation of the oil, gas, coal and other minerals upon the school and ministerial lands of the state, and to amend sections 3209-1, 3210, 3214, 3222, 3232 and 3233 of the General Code, and to enact new sections to be known as sections 3211-1 and 3229-1 of the General Code	16	16	16	17	18

HOUSE JOINT RESOLUTIONS.

Number.	Author and Title.	Offered.	Adopted.	Action in Senate.	Enrolled and Signed.
1	Mr. Clark. Relative to appointment of a committee to notify the Governor that the General Assembly is in session in obedience to his call..	3	4	.....	.....
2	Mr. Kilpatrick. Relative to enrolling certain bills in typewriting	15	15	18	18
3	Mr. Snyder, of Pickaway. Relative to adjournment	15	16	18	18

SENATE JOINT RESOLUTIONS.

Number.	Author and Title.	Received.	Adopted.	Enrolled and Signed.
1	Mr. Hudson. To notify the governor that the General Assembly is in session.....	4	5	18

HOUSE RESOLUTIONS.

Number.	Author and Title.	Offered.	Adopted.
1	Mr. Lowry. To inform Senate that the House of Representatives is ready to transact business	3	3
2	Mr. Ertel. To appoint committee to report mileage	4	4
3	Mr. Mueller. In memory of Mr. Vonder Heide	9	9
4	Mr. Reid. To require auditor of state and treasurer of state to make certain report as to finances	10	.....
5	Mr. Diser. Directing auditor of state to furnish certain information	11	.....
6	Mr. Doster. Authorizing clerk to audit and pay certain bills	12	12

LIST OF SECTIONS OF THE GENERAL CODE AFFECTED BY HOUSE BILLS INTRODUCED AT THE SECOND EXTRAORDINARY SESSION OF THE EIGHTIETH GENERAL ASSEMBLY.

List of Sections of the General Code affected by House Bills introduced at the Second Extraordinary Session of the Eightieth General Assembly.

The following is a list of the sections of the General Code that were affected by bills introduced in the House, together with the numbers of the bills:

SECTION NUMBER.	HOUSE BILL.
1465-64 (103 O. L. 78)	1
1465-65 (103 O. L. 78)	1
6859-1 (103 O. L. 155)	2

MISCELLANEOUS INDEX.